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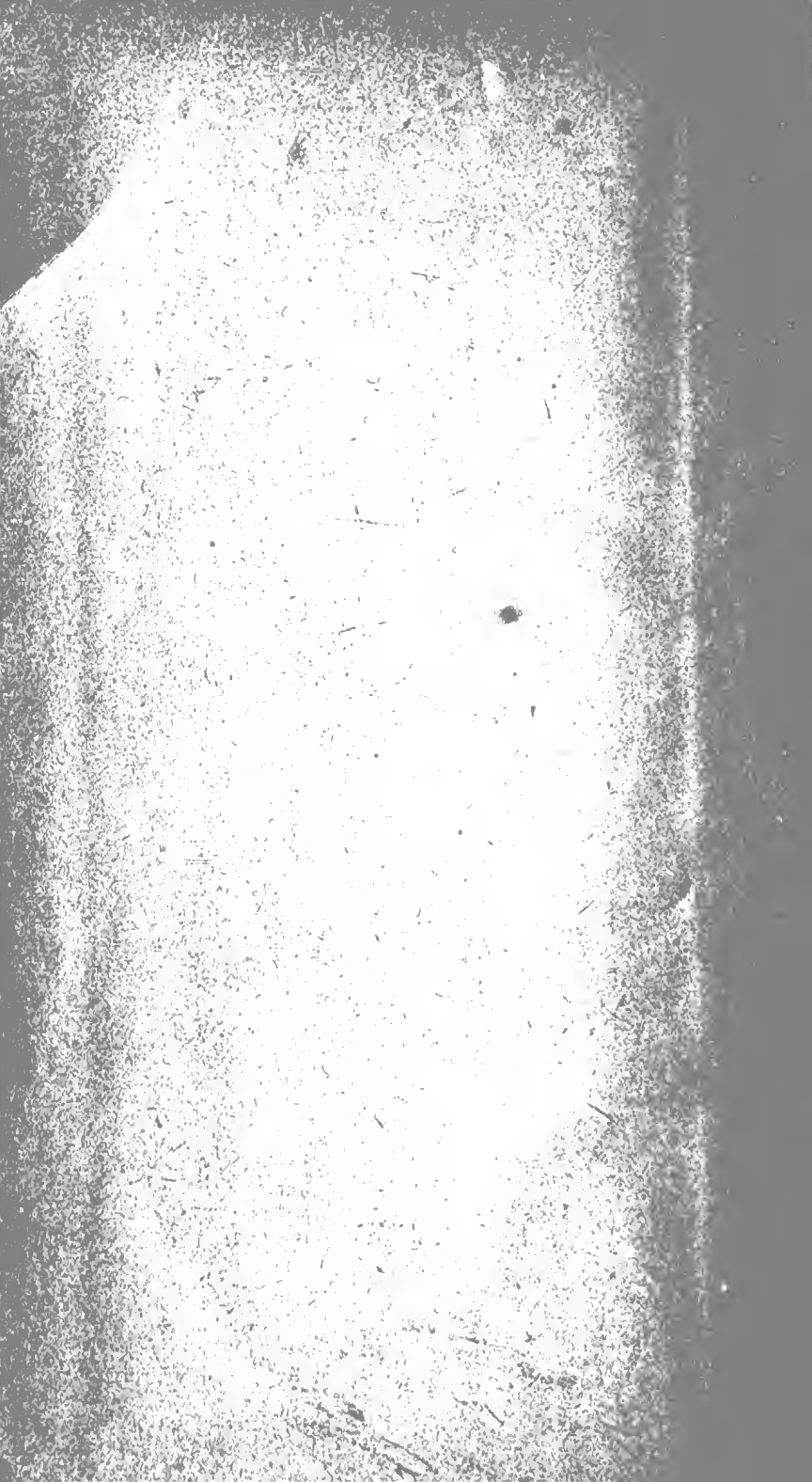
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# APPENDIX

TO

# ASSEMBLY JOURNALS

FOR THE

EIGHTH SESSION OF THE LEGISLATURE

OF THE

STATE OF CALIFORNIA.

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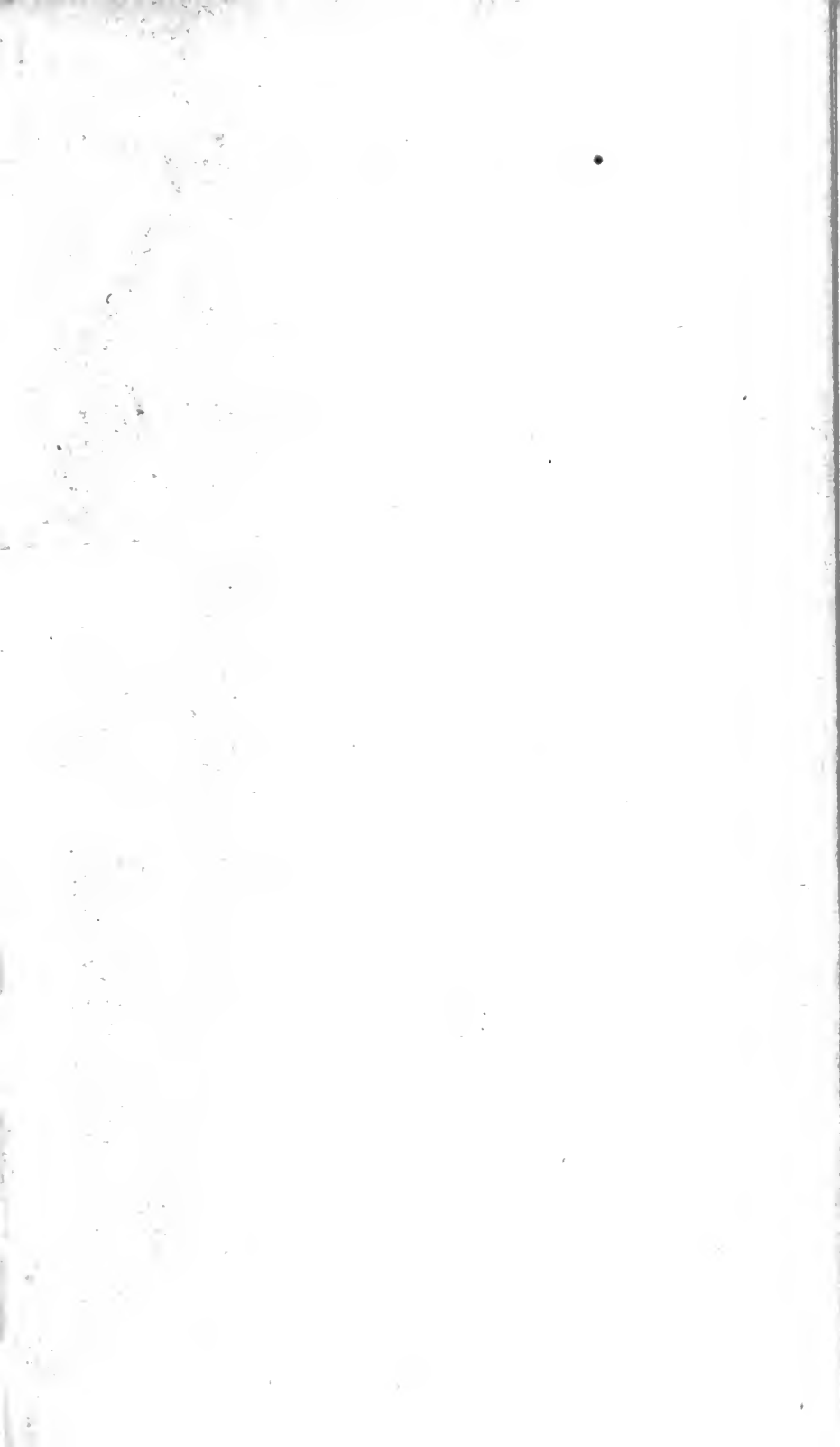
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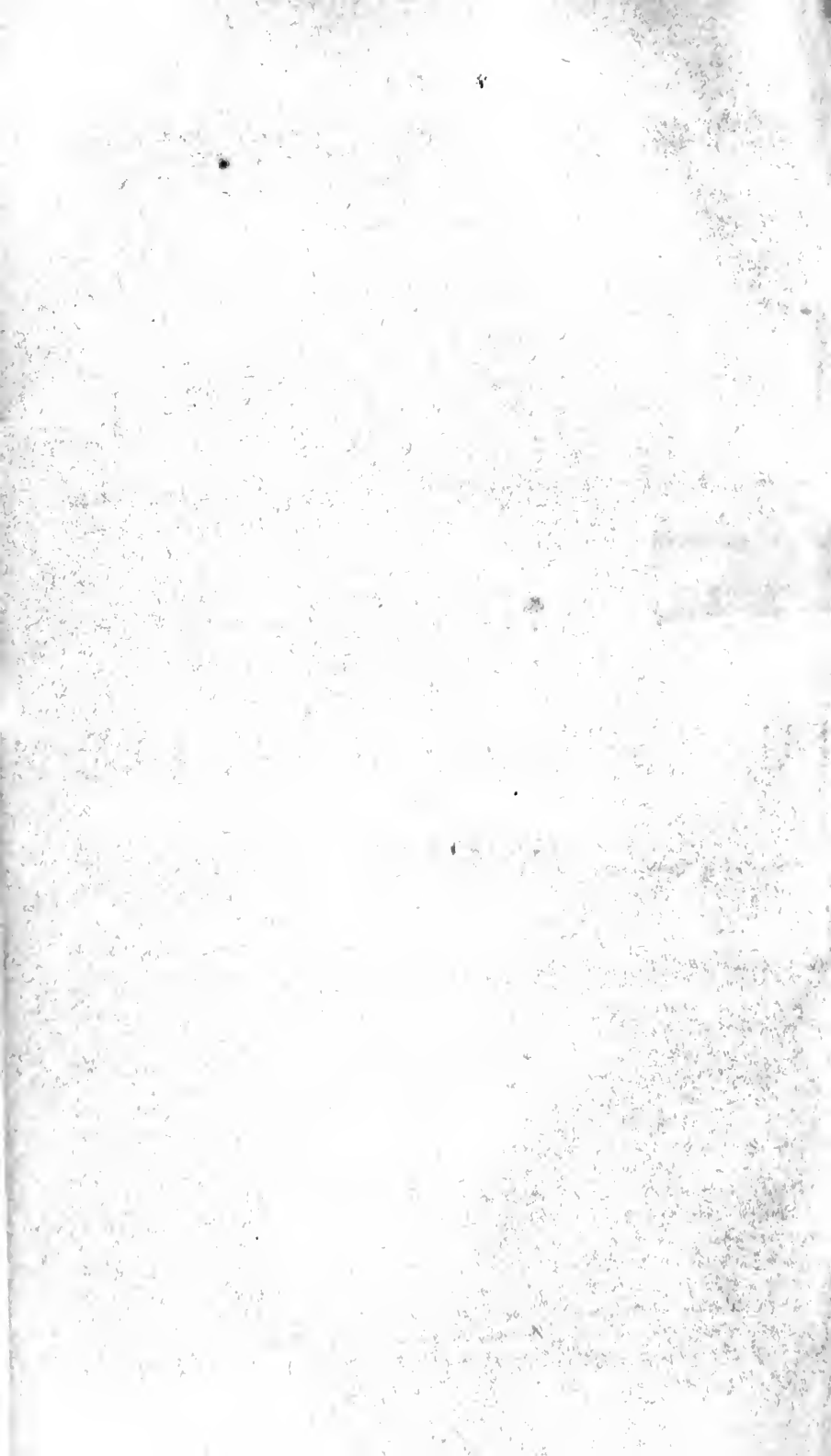
JAMES ALLEN, STATE PRINTER.

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1857.







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IN ASSEMBLY.]

[SESSION OF 1857.

# REPORT

OF THE

# CONTROLLER OF STATE.

JANUARY, 1857.

JAMES ALLEN, STATE PRINTER.

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# REPORT.

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STATE CONTROLLER'S OFFICE,  
Sacramento, December 20th, 1856. }

To His Excellency,

J. NEELY JOHNSON,

Governor of California:

SIR:—The third section, chapter first, of "An Act, concerning the Office of Controller of State, passed January 19th, 1850," requires, that, the Controller shall report such plans, as he may deem expedient, for the support of the public credit, for the promoting of frugality and economy in the public expenses, and generally, for the better management and more perfect understanding of the fiscal affairs of the State.

The requirements of the above Statute, have, at least, in part, been complied with, by my predecessors, as will appear by reference, to the two annual reports of Dr. Winslow F. Pierce, and the first annual report of the Hon. Sam. Bell, most of which appears, either to have escaped the notice of the Legislature, or to have failed in eliciting that attention, which their importance certainly deserved.

The history of California, brief as it is, has been an eventful one. Her almost fabulous mineral wealth, has scarcely less attracted the attention of the civilized world, than has her social eccentricities and financial blunders. The evils that affect the financial prosperity of our State, lie so deeply imbedded in, and are so inseparably connected with her organic law, that it can scarcely be hoped, that any permanent or adequate remedy can be applied, without a radical change of our system of government.

The idea appears to have prevailed, not only in the Convention that framed the Constitution, but with succeeding Legislatures, that the sources of wealth to the State, were commensurate, with the extraordinary rewards, that have resulted to individual enterprise. From this seeming idea, a system of government has been instituted, the ordinary cost of which, even when frugally administered, must, for

many years to come, greatly exceed a revenue, the collection of which, would be, at all tolerable to our people, and has likewise stimulated a plan of extravagant and reckless expenditure, the consequence of which, has been to involve the State in a large debt, and seriously to impair her credit.

That the above-named legislative anticipations have failed, is too evident to require confirmation, and were arguments wanting to prove the fact, of our inability to liquidate our yearly indebtedness, from our taxable property, and other resources, I would refer you, to the fact, that the "County Assessors' Abstracts of Real and Personal Property," show an increase in the amount of taxable property, but a decrease in the aggregate value. The large number of passengers who semi-monthly leave our shores, and the immense amounts of treasure shipped by every steamer, are other evidences of the fact, that the framers of our Constitution, and the Legislatures which have since convened, were mistaken, regarding the governmental resources of California.

It will appear, by reference to my accompanying Report, that our State Debt, has been regularly accumulating, ever since California has had an organized existence. The favorite remedy, for this growing evil, and to promote a return to a "cash basis," for our financial concerns, has been the passage of "Funding Acts," and that too, without providing for either a reduction of expenditures, or an increase of revenue.

The Funded Debt of the State, exclusive of the Indian War Debt, amounted on the 20th day of December, 1856, to \$3,239,488, 95 upon which, we pay an annual interest of \$226,764 23.

On the gross amount of this Debt, it is estimated, that the State has never realized over seventy cents on the dollar, so that we in reality, pay an annual interest of \$68,029 27 on a debt, the creation of which, has been of no benefit whatever to the State, and has established a principle, the extension of which, would be ruinous to an individual, and must certainly be humiliating to a sovereign State. But, these are not the only evils, resulting from the Funding system.

The Bonds, issued by the State of California, are principally held by non-residents, and the sum that is annually paid by us, as interest on our Funded Debt, like the treasure shipped, as before alluded to, leaves our State, never to return.

Great Britain, must long since have sunk under the accumulated weight of her national debt, had it not have been for the fact, that she owed it to her own subjects, and that the vast sums, which she annually pays as interest, returns to, and reimburses the very sources from whence it is drawn.

It must now be evident to all, who have devoted a thought to the subject, that the necessary expenses of the government, are disproportioned to its sources of revenue. The Expenditures for the Fiscal Year, ending the 30th of June, 1856, amounted to \$1,368,684 81; whilst the Receipts only amounted to \$723,289 83, showing an excess of Expenditures over Receipts of \$645,394 98.

I have before me, the report of the Auditor of the State of Ohio, for the year 1855, from which it appears, that the total expenditure, for the ordinary expenses of the State Government, for that year, only amounted to \$378,380 71.

The foregoing facts, clearly demonstrate, that there exists a defect, in our system of government, requiring more than a mere temporary remedy.

It is believed, that the Office of Superintendent of Public Instruction, might be dispensed with, without detriment to the efficiency of our system of common schools. It is not to be expected, that, that functionary can, (without greatly increased expense,) by his personal attendance, infuse any great interest into the cause. Whatever of stimulus it can receive from extraneous sources, must of necessity, proceed from the various County Superintendents, or some other local causes. The principal, if not the entire advantage, that the cause of education, at present derives, from the services of the State Superintendent, is, in his man-

agement of its finances a duty, which can, with equal efficiency be performed by the Secretary of State, without any additional expense to that Department.

The Office of Quartermaster-General should be abolished, and the law imposing a Military Tax, should be repealed. The military, like the poll tax, is not properly collected, and the receipts into the funds, from the above sources, exceeds but little, if any, the expense of furnishing the necessary blanks, the paper for, and printing of poll taxes being now paid out of the General Fund, and the military blanks out of the military fund. Other reasons, in favor of the above suggestion, might be offered, but it is deemed unnecessary.

It is further respectfully suggested, that such measures as are necessary, be taken, without delay, to locate and survey the lands of the State, and cause maps and plats of the same, to be deposited in the office of the Secretary of State; after which, abolish the Office of Surveyor-General.

Of all the Departments of the Government as at present organized, the Legislature, is perhaps the most unnecessarily expensive. Its sessions, should by a Constitutional Provision, be limited to sixty days. The Legislature of the State of Vermont, has recently adjourned after a session of only six weeks. After the Principal Clerk, and his Assistant, and the Enrolling and Engrossing Clerk, for each branch of the Legislature, shall have been appointed, all other clerical labor required, should be paid by the folio, and to avoid as much as possible, all needless expense in the way of Printing, it is suggested, that there be a Joint Committee, whose duty it shall be to determine, not only the matter, but the number of copies, to be printed, of any document, that may be required for the use of one or both Houses.

The item of Printing for the Fiscal Year, ending the 30th of June, 1855, and the succeeding seven months, ending on 31st day of January, 1856, embracing in all, a period of nineteen months, including official advertisements, and paper for printing; cost the sum of \$240,469 75. A good job printing establishment could be procured, at a cost not exceeding twenty thousand dollars. Would it not be good policy for the State, to procure one? Then make the State Printer, (who should be a practical printer,) Superintendent thereof, interdict by penal enactments, the printing or publishing of any matter, not authorized by proper authority, and after the salary of the superintendent, all work to be paid for by the piece at the usual rates. It is believed, by those competent to judge, that, by the adoption of the plan herein proposed, the public printing could be better, and more expeditiously executed than at present, at an annual cost not exceeding fifty thousand dollars.

The salaries of the County Judges, and the incidental expenses of the Courts of Sessions, and the County Courts, all of which operate as a tax upon the people, amounts in the aggregate to not less than \$175,000. Is it proposed to abolish the Office of County Judge, and to create a Superior Court, in all of the large and populous Counties of the State, said Courts to have exclusive jurisdiction in the Counties where they exist, of all matters of Probate, and concurrent jurisdiction with the District Court, in all civil business, where the amount in controversy shall exceed the sum of \$—— dollars. The Judge to possess legal qualifications, to be his own clerk, deriving his salary from fees of Court, and convening his Court, on its own adjournments. The Juries when required, to be summoned and paid, as now, in Justices' Courts. This, it is believed, with such modifications of the law, regulating the jurisdiction of the District Courts, so as to give them exclusive jurisdiction of all criminal proceedings, where the offense charged shall amount to a felony, and of matters of Probate, in those Counties where there shall be no Superior Court, will afford equal, if not superior facilities for the administration of justice, than now exists under the present system, as well as be a saving to the tax payers of the sum aforementioned.

The enactment of an equitable and efficient revenue law, is perhaps, the most

difficult task of Legislation, and perfection can only be approximated, by a careful noting from time to time, such defects, as its practical workings may develop, and a prompt application of the necessary corrective. That the expenses should be equitably borne, by all, who share the blessings of Government, is admitted, and should be the primary object in the framing of all laws, imposing the burthens of taxation. This is not obtained under our present revenue law, and it will only be necessary to allude, to some of its most material defects, to show the necessity of a thorough revision of its provisions. The returns of the late general election, show that there are about one hundred and ten thousand voters in this State, and it is estimated, that there are an equal, if not a greater number, subject to the payment of a poll tax, which at three dollars, (the present rate) deducting 15 per cent. for cost of collection, and the 40 per cent. payable to the different County Treasurers, should yield to the State, an annual income of \$168,300—whereas, there was received into the State Treasury, from the above source, during the last Fiscal Year, but the sum of \$63,533 92. The principal cause to which this large delinquency is attributable, is, that a greater portion of our population, from the nature of their pursuits, have no visible property, out of which the Assessor can enforce payment. From the necessity, as well as equity of the case, would it be too great a restriction on the elective franchise, to require, as an additional qualification for its exercise at all general elections, the payment of a poll tax for the year ?

An income tax also, of so small a percentage as to bear but lightly on the individual, could be assessed, that in the aggregate, would produce a large sum to the Treasury. By means of such a tax, a numerous class of citizens, consisting of Public Officers, both State and County, and those practising the learned professions, would be required to contribute their just share towards the support of the Government.

Section 19th, of "An Act to provide Revenue for the Support of the Government of this State," passed May 15th, 1854, provides, "That upon all goods, wares and merchandise, and every other species of personal property, which shall at any time be exposed to sale at public auction, or be sold by Auctioneers at private sale, the Auctioneer shall be subject, each and every time they shall be struck off, to the payment of a duty to the State, of one-half of one per centum upon the amount thereof, whether actually sold or not, and upon the sale of any real estate by an Auctioneer at public or private sale, the Auctioneer shall be subject to the payment of a duty, of one-half of one per centum upon the amount of the sale," &c. The foregoing section, was, by an Act, approved April 9th, 1856, repealed.

The law of 1854 should be re-enacted, imposing an increased duty, accompanied by such provisions as the Legislature may deem proper, and, with such other provisions as to ensure its observance. In the State of Mississippi, a duty of one and one-fourth per centum is imposed upon all sales by Auctioneers.

Section 3d of the same law provides that the proceeds of the ninth and tenth classes of certain licenses therein mentioned, shall go into the different county treasuries for the use of the county. It has so happened that there are scarcely any other classes used, and it necessary follows that the State receives no benefit therefrom.

It is recommended that a certain portion of the proceeds arising from the sale of all the various licenses required by law to be taken out, be reserved by the various counties, and the remainder be paid into the State Treasury, and that a certain per centage to be paid rateably by the State and County, be allowed the County Treasurers for the collection of the same. By order of the Board of Supervisors many of the County Treasurers now receive a per centage for such collections, which is paid out of the County Treasury.

Owing to the uncertainty which exists in this State, in respect to land titles, but little revenue comparatively is derived from that source.

Section 1st of "An Act for the Protection of Actual Settlers, and to quiet land titles in this State, approved March 26, 1856," declares all lands in this State shall be deemed and regarded as public lands, until the legal title is shown to have passed from the government to private parties.

Section 10th of the same Act declares that the provisions of the 1st section "shall extend to all litigation for lands, or for the possession of lands claimed under, or by virtue of any Spanish or Mexican grant, or any grant made by the Governors of California, unless the said grants shall have been surveyed, and the boundaries plainly and distinctly marked out, and kept so plainly and distinctly marked that said boundaries could, at any time, when improvements were being made on said lands be easily seen and certainly known; and unless said grant, and the plat and the field notes of the survey of the same shall have been recorded in the office of the Recorder of the county in which the lands lie, before such improvements shall have been made."

It is believed that the provisions of the foregoing Act not only releases nearly all the lands in the State from taxation, but actually operates as a reward to parties interested, by permitting them to remain so, by refusing or neglecting to have them surveyed and recorded. A law should be enacted, making all lands subject to taxation, claimed by a title adverse to government, where the same shall have been confirmed by the proper tribunal, whether the patent shall have issued or not, and making the parties so claiming, or in possession, liable for the payment of the same, the payment by one to be a release as to others, for the same land.

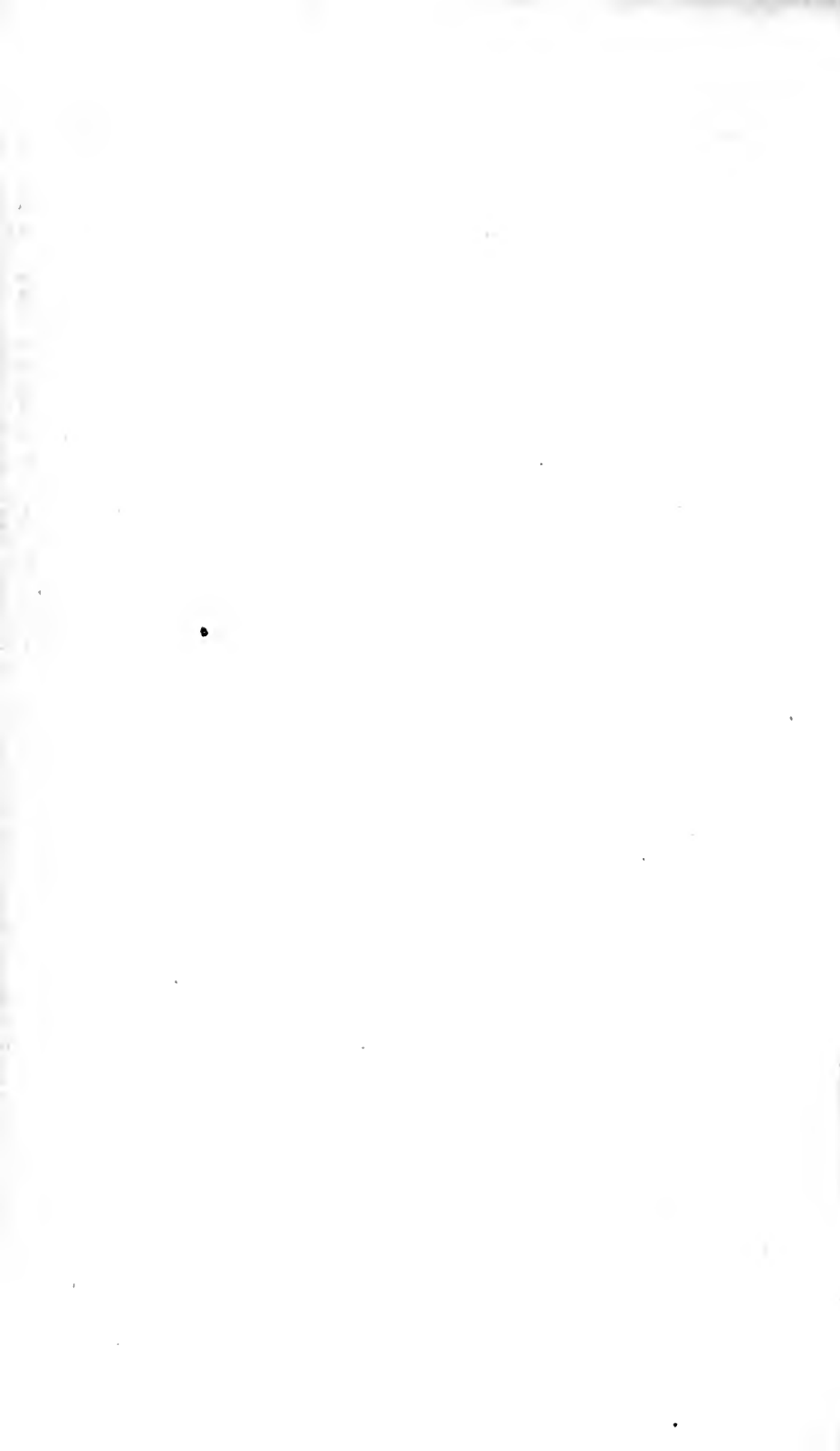
It will be perceived that the foregoing suggestions extend to almost every department of the government having connection with its financial affairs. They are made, not without great diffidence, as to their wisdom or propriety. Many of them involve the amending or revision of the fundamental law, and it is submitted, whether a law, providing for calling a Constitutional Convention, in connection with one to legalize the present state debt, submitted to the people, would not be as the bow of promise, that they should be spared such another inundation of debt, and cause them to do with pleasure that which in the latter case is their solemn duty.

I have the honor to be, very respectfully,

Your obedient servant,

GEORGE W. WHITMAN,

Controller of State.





# INDEX.

The various items are set forth under the following heads :

## A.

General Receipts during the past fiscal year.

## B.

Expenditures for the seventh fiscal year.

## C.

Receipts into the State Treasury during the first, second, third, fourth, fifth, sixth and seventh fiscal years.

## D.

Expenditures for the first, second, third, fourth, fifth, sixth and seventh fiscal years.

## E.

Tabular statement of the amount of each appropriation made by law, the amount audited under the same, and the balance unexpended June 30th, 1856.

## F.

Abstract of property of all kinds assessed for the year 1856, and the amount of State tax due thereon.

## G.

Abstracts of Assessments of Real and Personal Property, from the organization of the State Government to the present year inclusive.

10

II.

Statement of the condition of the different funds, June 30th, 1856.

I.

Statement of State Prison Bonds and Temporary State Loan Bonds, issued under Act of February 1st, 1850, and the amount outstanding at the close of the seventh fiscal year.

J.

Statement of the amount of seven per cent. Civil Bonds, outstanding June 30th, 1856.

K.

Statement of the amount of Controller's Civil Warrants, outstanding June 30th, 1856.

L.

Statement of the War Debt of the State, June 30th, 1856.

M.

Condensed statement of the Civil Debt of the State, June 30th, 1856.

N.

Estimate of Receipts for the eighth fiscal year ending June 30th, 1857.

O.

Estimate of Expenditures for the eighth fiscal year, ending June 30th, 1857.

P.

Warrants drawn from July 1st, 1856, to December 20th, 1856.

Q.

Civil and War Debt of the State, December 20th, 1856.

R.

Receipts into the State Treasury from July 1st, 1856, to December 20th, 1856.





[B.]

## EXPENDITURES

*During the Seventh Fiscal Year ending June 30th, 1853.*

## EXECUTIVE DEPARTMENT.

## SALARIES.

|  |   |   |   |                     |
|--|---|---|---|---------------------|
| Salary of Governor                     | - | - | - | \$ 1,833 33         |
| " Controller of State                  | - | - | - | 4,875 00            |
| " Treasurer of State,                  | - | - | - | 4,875 00            |
| " Secretary of State,                  | - | - | - | 3,752 65            |
| " Attorney General                     | - | - | - | 2,166 63            |
| " Surveyor General,                    | - | - | - | 2,166 65            |
| " Quarter-Master General,              | - | - | - | 3,250 00            |
| " Superintendent of Public Instruction | - | - | - | 5,250 50            |
| Total                                  | - | - | - | <u>\$ 37,160 26</u> |

## SECRETARIES AND CLERKS.

|   |   |                     |
|---|---|---------------------|
| Salary of Governor's Private Secretary  | - | \$ 2,926 79         |
| " Clerks in Controller's Office         | - | 11,880 00           |
| " Clerks in Treasurer's Office          | - | 7,020 00            |
| " Clerks in Secretary of State's Office | - | 10,665 00           |
| Total                                   | - | <u>\$ 32,491 79</u> |

## CONTINGENT EXPENSES.

|                                    |   |   |                     |
|------------------------------------|---|---|---------------------|
| Governor's Contingent Fund         | - | - | \$ 2,869 35         |
| " Special                          | - | - | 4,978 82            |
| Contingents of Controller's Office | - | - | 8,992 14            |
| " Treasurer's Office               | - | - | 6,019 17            |
| " Secretary of State's Office      | - | - | 4,458 19            |
| " Quarter-Master General's Office  | - | - | 2,714 81            |
| " Attorney General's Office        | - | - | 953 50              |
| " Surveyor General's Office        | - | - | 7,484 77            |
| " Sup. Pub. Instruction's Office   | - | - | 3,142 14            |
| " State Library                    | - | - | 2,785 93            |
| " Board of Examiners               | - | - | 15 00               |
| Total                              | - | - | <u>\$ 44,418 82</u> |
| Amount carried forward,            | - | - | <u>\$114,079 87</u> |

Amount brought forward, - - \$114,079 87

### JUDICIAL DEPARTMENT.

#### SALARIES.

|                                       |   |   |                     |
|---------------------------------------|---|---|---------------------|
| Salaries of Justices of Supreme Court | - | - | \$ 27,833 23        |
| " District Judges                     | - | - | 61,665 27           |
| " Secretary to Supreme Court          | - | - | 2,100 00            |
| Total                                 | - | - | <u>\$ 91,598 50</u> |

#### CONTINGENTS.

|                                  |   |   |                     |
|----------------------------------|---|---|---------------------|
| Contingents of the Supreme Court | - | - | \$ 13,516 51        |
| Total                            | - | - | <u>\$ 13,516 51</u> |

### LEGISLATIVE DEPARTMENT.

|   |   |   |                     |
|---|---|---|---------------------|
| Pay and Mileage of Lieutenant Governor and Senators | - | - | \$ 48,203 00        |
| Pay and Mileage of Assemblymen                      | - | - | 113,063 40          |
| Total   | - | - | <u>\$161,266 40</u> |

#### OFFICERS AND CLERKS.

|                 |   |   |                     |
|-----------------|---|---|---------------------|
| Of the Senate   | - | - | \$ 34,964 00        |
| Of the Assembly | - | - | 33,611 00           |
| Total           | - | - | <u>\$ 68,575 00</u> |

#### CONTINGENTS.

|                                    |   |   |                     |
|------------------------------------|---|---|---------------------|
| Of the Senate, (Contingent Fund)   | - | - | \$ 15,664 20        |
| Of the Assembly, (Contingent Fund) | - | - | 17,987 50           |
| Of the Legislature                 | - | - | 29,919 09           |
| Total                              | - | - | <u>\$ 63,570 89</u> |
| Amount carried forward,            | - | - | <u>\$512,607 17</u> |

Amount brought forward - - - \$512,607 17

### EXPENDED FOR HOSPITAL PURPOSES.

|                                       |   |   |   |              |
|---------------------------------------|---|---|---|--------------|
| State Marine Hospital,                | - | - | - | \$ 39,806 32 |
| Insane Asylum,                        | - | - | - | 63,553 66    |
| "    "    Buildings,                  | - | - | - | 15,000 00    |
| Salary of Physicians of Insane Asylum | - | - | - | 6,000 00     |
| Indigent Sick of Alameda County,      | - | - | - | 178 17       |
| "    "    Amador                      | " | - | - | 208 99       |
| "    "    Butte                       | " | - | - | 725 58       |
| "    "    Calaveras                   | " | - | - | 1,019 46     |
| "    "    Contra Costa County         | - | - | - | 635 08       |
| "    "    El Dorado                   | " | - | - | 3,700 62     |
| "    "    Los Angeles                 | " | - | - | 629 18       |
| "    "    Marin                       | " | - | - | 135 18       |
| "    "    Mariposa                    | " | - | - | 455 20       |
| "    "    Nevada                      | " | - | - | 1,128 23     |
| "    "    Placer                      | " | - | - | 528 94       |
| "    "    Plumas                      | " | - | - | 182 54       |
| "    "    Sacramento                  | " | - | - | 851 37       |
| "    "    San Bernardino              | " | - | - | 25 00        |
| "    "    San Diego                   | " | - | - | 212 17       |
| "    "    San Francisco               | " | - | - | 983 60       |
| "    "    San Joaquin                 | " | - | - | 518 88       |
| "    "    San Luis Obispo County      | - | - | - | 40 61        |
| "    "    Santa Clara                 | " | - | - | 620 49       |
| "    "    Shasta                      | " | - | - | 766 37       |
| "    "    Sierra                      | " | - | - | 425 82       |
| "    "    Siskiyou                    | " | - | - | 356 31       |
| "    "    Sonoma                      | " | - | - | 330 97       |
| "    "    Stanislaus                  | " | - | - | 36 43        |
| "    "    Trinity                     | " | - | - | 427 87       |
| "    "    Tnolunne                    | " | - | - | 414 66       |
| "    "    Yolo                        | " | - | - | 184 00       |
| "    "    Yuba                        | " | - | - | 1,081 93     |
| Total                                 |   |   |   | \$141,163 63 |

### EXPENDED FOR SCHOOL PURPOSES.

|                                       |   |   |             |              |
|---------------------------------------|---|---|-------------|--------------|
| Support of Schools of Alameda County, | - | - | \$ 1,489 83 |              |
| “ “ Amador County,                    | - | - | 1,547 88    |              |
| “ “ Butte County,                     | - | - | 621 53      |              |
| “ “ Calaveras County,                 | - | - | 1,015 98    |              |
| “ “ Colusa County                     | - | - | 34 80       |              |
| “ “ Contra Costa County,              | - | - | 998 54      |              |
| “ “ El Dorado County,                 | - | - | 2,866 05    |              |
| “ “ Humboldt County,                  | - | - | 219 53      |              |
|                                       |   |   | <hr/>       |              |
| Total,                                | - | - | \$ 8,794 14 |              |
|                                       |   |   | <hr/>       |              |
| Amount carried forward,               | - | - | -           | \$653,770 80 |



|                       |                             |               |              |
|-----------------------|-----------------------------|---------------|--------------|
|                       | Amount brought forward      | - \$ 8,794 14 | \$653,770 80 |
| Support of Schools of | Klamath County, -           | - 49 57       |              |
| "                     | " Los Angeles County -      | - 3,232 12    |              |
| "                     | " Marin County, -           | - 336 13      |              |
| "                     | " Mariposa County, -        | - 423 61      |              |
| "                     | " Monterey County, -        | - 1,931 64    |              |
| "                     | " Napa County, -            | - 984 32      |              |
| "                     | " Nevada County, -          | - 1,567 06    |              |
| "                     | " Placer County, -          | - 547 29      |              |
| "                     | " Sacramento County, -      | - 4,496 76    |              |
| "                     | " San Bernardino County, -  | - 956 87      |              |
| "                     | " San Diego County, -       | - 116 85      |              |
| "                     | " San Francisco County, -   | - 10,784 90   |              |
| "                     | " San Joaquin County, -     | - 2,502 83    |              |
| "                     | " San Luis Obispo County, - | - 776 09      |              |
| "                     | " Santa Clara County, -     | - 3,841 72    |              |
| "                     | " Santa Cruz County, -      | - 883 24      |              |
| "                     | " Shasta County, -          | - 1,082 89    |              |
| "                     | " Sierra County, -          | - 370 67      |              |
| "                     | " Siskiyou County, -        | - 298 16      |              |
| "                     | " Solano County, -          | - 1,446 69    |              |
| "                     | " Sonoma County, -          | - 2,694 28    |              |
| "                     | " Stanislaus County, -      | - 95 60       |              |
| "                     | " Sutter County, -          | - 314 06      |              |
| "                     | " Trinity County -          | - 49 57       |              |
| "                     | " Tulare County, -          | - 184 56      |              |
| "                     | " Tuolumne County, -        | - 1,547 96    |              |
| "                     | " Yolo County, -            | - 918 62      |              |
| "                     | " Yuba County, -            | - 1,027 22    |              |
| Total - - - - -       |                             | - - - - -     | \$52,255 42  |

### EXPENDED FOR STATE PRISON PURPOSES.

|   |              |                |
|---|--------------|----------------|
| Salaries of State Prison Inspectors -                                     | - \$ 100 00  |                |
| Salaries of State Prison Directors -                                      | - 10,074 93  |                |
| Labor and Material furnished State Prison -                               | - 172,906 56 |                |
| Purchase of Property for State Prison -                                   | - 47,477 70  |                |
| Attaches of State Prison -  | - 52,254 15  |                |
| Temporary Support of State Prison -                                       | - 15,000 00  |                |
| Supplies and Materials furnished State Prison -                           | - 32,000 00  |                |
| Lessee of State Prison -  | - 40,000 00  |                |
| Lieutenant Governor as Member of Board of<br>State Prison Commissioners - | - 260 80     |                |
| Expenses of Board of S. P. Commissioners -                                | - 100 00     |                |
| Total - - - - -   |              | - - - - -      |
|   |              | \$ 370,174 14  |
| Amount carried forward - - -  |              | \$1,076,200 36 |

Amount brought forward - - \$1,076,200 36

### EXPENDED FOR PRINTING.

|   |   |   |   |              |
|---|---|---|---|--------------|
| State Printing  | - | - | - | \$117,458 76 |
| Paper for Printing  | - | - | - | 12,379 19    |
| Printing and Miscellaneous Advertisements   | - | - | - | 1,775 75     |
| Publishing proposed Amendments to the Constitution                                  | - | - | - | 19,515 09    |
| Publishing Notices of Sales by State Land Commissioners                             | - | - | - | 14,434 00    |
| Publishing Notices concerning immigrant Wagon Road, Swamp and Overflowed Lands, &c. | - | - | - | 6,215 46     |
| Total   | - | - | - | \$171,778 25 |

### MISCELLANEOUS EXPENSES.

|  |   |   |   |           |
|--|---|---|---|-----------|
| Paid for Translating Laws  | - | - | - | \$ 419 00 |
| " Copying Laws and Journals  | - | - | - | 613 39    |
| " Distributing Laws and Journals   | - | - | - | 1 500 00  |
| " Indexing Laws and Journals   | - | - | - | 5,430 00  |
| " Rent of Armory, &c.  | - | - | - | 119 50    |
| " Rent of State Offices  | - | - | - | 9,257 50  |
| " Rent of State Capitol  | - | - | - | 6,000 00  |
| " Translating Legislative and Executive documents                            | - | - | - | 788 38    |
| " Transportation of Prisoners  | - | - | - | 39,072 00 |
| " Transportation of Insane   | - | - | - | 2,530 00  |
| " State Library  | - | - | - | 139 50    |
| " Fitting up Treasurer's Office, &c.   | - | - | - | 2,429 10  |
| " Prosecuting Delinquents by order of Controller                             | - | - | - | 5,000 00  |
| " Costs of suit where the State was party                                    | - | - | - | 3,067 48  |
| " Fees and Costs of suit Prosecuted by the Attorney General                  | - | - | - | 1,535 25  |
| " Prosecution of Escheated Estates   | - | - | - | 15,403 35 |
| " Indexing Journals of 1854  | - | - | - | 300 00    |
| " Supreme Courts Reports of 1853 and '54                                     | - | - | - | 6,000 00  |
| " Instruments, Furniture, and Platting Expenses in Surveyor General's Office | - | - | - | 230 00    |
| " Apprehension of Fugitives from Justice                                     | - | - | - | 1,000 00  |
| " President pro tem, of Senate of 1852,                                      | - | - | - |           |
| " 1853 and 1854,   | - | - | - | 1,532 00  |
| " Commissioner of the War Debt,  | - | - | - | 3,500 00  |
| " Clerk to Board of War Commissioners,                                       | - | - | - | 2,000 00  |
| " Contingents of   | - | - | - | 1,000 00  |
| " State Agricultural Society,  | - | - | - | 5,000 00  |
| " Clerk to Board Cal. War Examiners,   | - | - | - | 900 00    |
| " Repairing Water Pipes at Capitol,  | - | - | - | 193 00    |

Total, - - - - \$114,989 45

Amount carried forward - - \$1,247,978 51

|   |   |   |   |              |                |
|---|---|---|---|--------------|----------------|
| Amount brought forward                          |   |   |   | \$114,989 45 | \$1 247 978 61 |
| Paid for Water Furnished the State,             | - | - | - | 200 00       |                |
| " Paul Morrill's Compensation as Expert,        | - | - | - | 650 00       |                |
| " Lithographing Bonds of 1855                   | - | - | - | 1,000 00     |                |
| " W. M. Lowe, Arrest of Prisoners,              | - | - | - | 1,000 00     |                |
| " Office Rent of California Land Commissioners, | - | - | - | 1,100 00     |                |
| " James Langley, Relief Appropriation,          | - | - | - | 815 00       |                |
| " Selim E. Woodworth, Relief Appropriation      | - | - | - | 551 75       |                |
| " Sarah Staples, Relief Appropriation,          | - | - | - | 400 00       |                |
| Total,  | - | - | - |              | \$120,706 20   |
| Grand Total,                                    | - | - | - | -            | \$1,368,684 81 |

N B. In the foregoing table, an apparent discrepancy appears, as it shows one month's extra pay as having been received by the different executive officers, and their clerks. This arises from the fact, that the monthly salary due at the close of the sixth fiscal year, was not drawn until the 2d day of July, 1855, being in the first month of the seventh fiscal year.

#### RECAPITULATION OF EXPENDITURES.

|                         |   |   |   |   |              |                |
|-------------------------|---|---|---|---|--------------|----------------|
| Executive Department,   | - | - | - | - | \$114,079 87 |                |
| Judicial                | - | - | - | - | 105,115 01   |                |
| Legislative             | - | - | - | - | 293,412 29   |                |
| Hospital Purposes,      | - | - | - | - | 141,163 63   |                |
| School                  | - | - | - | - | 52,255 42    |                |
| State Prison            | - | - | - | - | 370,174 14   |                |
| Printing,               | - | - | - | - | 171,778 25   |                |
| Miscellaneous Expenses, | - | - | - | - | 120,706 20   |                |
| Grand Total,            | - | - | - | - | -            | \$1,368,684 81 |





|                              |            |              |              |              |                |                |              |                |
|------------------------------|------------|--------------|--------------|--------------|----------------|----------------|--------------|----------------|
| Santa Barbara,               | —          | 5,086 87     | 3,621 26     | 3,430 34     | 5,853 64       | 357 47         | —            | 18,349 58      |
| Santa Clara,                 | —          | 22,790 07    | 16,873 26    | 2,083 89     | 15,137 07      | 30,936 88      | 29,542 17    | 117,363 34     |
| Santa Cruz,                  | —          | 4,948 36     | 7,903 23     | 146 30       | 7,288 40       | 4,009 60       | 4,146 25     | 28,442 14      |
| Shasta,                      | —          | —            | 5,185 56     | 2,608 15     | 8,318 46       | 10,386 58      | 11,729 42    | 38,228 17      |
| Sierra,                      | —          | —            | —            | —            | 14,544 44      | 15,074 44      | 19,509 27    | 49,128 54      |
| Siskiyou,                    | —          | —            | —            | 5,001 45     | 3,327 83       | 13,157 90      | 9,685 47     | 31,172 65      |
| Solano,                      | —          | 9,580 99     | 6,897 35     | 7,522 19     | 11,583 90      | 4,530 55       | 16,224 17    | 56,339 15      |
| Sonoma,                      | —          | 4,772 43     | 4,800 00     | 9,356 19     | 13,479 90      | 12,725 14      | 9,318 63     | 54,452 29      |
| Stanislaus,                  | —          | —            | —            | —            | —              | 2,679 24       | 3,671 27     | 6,350 51       |
| Sutter,                      | —          | 4,772 38     | 1,000 00     | 2,795 12     | 3,886 94       | 3,585 69       | 6,467 09     | 22,507 22      |
| Trinity,                     | —          | —            | 1,31 03      | 1,203 58     | 6,635 82       | 10,326 84      | 12,099 86    | 31,300 13      |
| Tulare,                      | —          | —            | —            | —            | 1,012 62       | 646 85         | 1,058 07     | 2,717 54       |
| Tuolumne,                    | —          | —            | 8,269 51     | 20,470 52    | 5,300 51       | 25,519 71      | 35,751 79    | 95,312 04      |
| Yolo,                        | —          | 1,308 20     | 2,701 60     | 4,576 01     | 4,070 00       | 4,690 85       | 10,595 21    | 27,941 90      |
| Yuba,                        | —          | 9,827 25     | 12,184 46    | 18,112 67    | 23,894 58      | 37,682 94      | 43,707 72    | 145,319 62     |
| Foreign Miners' Tax, 1850,   | 3,156 37   | 29,991 20    | —            | —            | —              | —              | —            | 33,147 47      |
| Gov's Office Rent refunded,  | —          | 1,235 00     | —            | —            | —              | —              | —            | 1,235 00       |
| State Marine Hospital,       | —          | 887 60       | —            | —            | —              | —              | —            | 887 60         |
| Secretary of State's Office, | —          | 187 25       | 80 75        | 1,156 20     | 2,604 20       | 1,957 50       | 2,842 00     | 8,827 90       |
| State Assayer's Office,      | —          | 1,106 07     | —            | —            | —              | —              | —            | 1,106 07       |
| City of San Francisco,       | —          | —            | 15,250 00    | —            | 53,635 50      | 312 50         | —            | 69,198 00      |
| A. W. Adams,                 | —          | —            | 11 03        | —            | —              | —              | —            | 11 03          |
| Controller of State,         | —          | —            | —            | 500 00       | 268 00         | —              | —            | 768 00         |
| Pacific Mail Steamship Co.,  | —          | —            | —            | —            | 12,500 00      | —              | —            | 12,500 00      |
| Board of Cal. Land Com'rs    | —          | —            | —            | —            | 294,902 70     | 212,833 56     | 53 12        | 507,789 38     |
| Commissioner of Immigrants   | —          | —            | 24,391 25    | 85,885 70    | 31,058 00      | 29,292 50      | 602 95       | 171,230 40     |
| Estate of W. W. Scott, dec'd | —          | —            | —            | —            | 4,240 31       | —              | —            | 4,240 31       |
| Estate of G. Brock, decess'd | —          | —            | —            | —            | 80 09          | —              | —            | 89 09          |
| United States,               | —          | —            | —            | —            | —              | 150,000 00     | —            | 150,000 00     |
| Hackett & Judah,             | —          | —            | —            | —            | —              | 1 00           | —            | 1 00           |
| Totals,                      | \$3,156 27 | \$330,796 05 | \$366,825 07 | \$454 985 85 | \$1,022,647 32 | \$1,155,537 10 | \$723,289 83 | \$4,057,237 49 |

{D.]

## EXHIBIT

*Of Expenditures for the First, Second, Third, Fourth, Fifth, Sixth and Seventh Fiscal Years.*

| EXPENSES OF                  | FISCAL YEARS.                                  |   |  |   |  |  |  | TOTALS.        |
|------------------------------|--|---|--|---|--|--|--|----------------|
|                              | First Fiscal<br>Year, ending<br>June 30, 1850. | Second Fiscal<br>Year, ending<br>June 30, 1851. | Third Fiscal<br>Year, ending<br>June 30, 1852. | Fourth Fiscal<br>Year, ending<br>June 30, 1853. | Fifth Fiscal<br>Year, ending<br>June 30, 1854. | Sixth Fiscal<br>Year, ending<br>June 30, 1855. | Seventh Fiscal<br>Year, ending<br>June 30, 1856. |                |
| Executive Department.....    | \$20,568 30                                    | \$103,354 84                                    | \$94,886 20                                    | \$102,607 04                                    | \$125,110 49                                   | \$137,581 03                                   | \$114,079 87                                     | \$704,187 77   |
| Judicial .....               | 26,996 50                                      | 98,054 25                                       | 155,533 76                                     | 126,037 09                                      | 93,309 69                                      | 102,278 29                                     | 105,115 01                                       | 707,983 59     |
| Legislative .....            | 215,806 94                                     | 212,924 48                                      | 306,780 25                                     | 312,301 61                                      | 307,712 78                                     | 374,439 98                                     | 293,412 29                                       | 2,023,388 33   |
| Hospital Purposes.....       | .....  | 8,387 30  | 90,939 75                                      | 210,306 42                                      | 225,453 91                                     | 330,210 82                                     | 141,163 63                                       | 1,066,461 83   |
| School Purposes.....         | .....  | .....   | .....  | .....   | .....  | .....  | 52,255 42  | 52,255 42      |
| State Prison .....           | .....  | .....   | .....  | .....   | .....  | .....  | 370,174 14                                       | 370,174 14     |
| Printing .....               | 74,073 25                                      | 100,933 51                                      | 159,845 77                                     | 202,494 39                                      | 107,610 71                                     | 139,405 21                                     | 171,778 25                                       | 956,141 09     |
| Miscellaneous Expenses ..... | 4,720 27                                       | 62,648 45                                       | 117,709 83                                     | 314,742 58                                      | 346,560 47                                     | 193,571 31                                     | 120,706 20                                       | 1,159,059 11   |
| Totals. ....                 | \$348,105 26                                   | \$585,702 83                                    | \$925,694 56                                   | \$1,269,149 13                                  | \$1,204,757 96                                 | \$1,337,496 64                                 | \$1,368,684 81                                   | \$7,039,651 19 |

## [F] TABULAR STATEMENT

Of the amount of each Appropriation, made by Law, the amount audited under each, and the balance unexpended at the close of the Seventh Fiscal Year, ending June 30th, 1856.

| PURPOSE AND DATE OF ACT.   |  | Amount of Appropriation. | Amount Expended. | Amount Unexpended. | Amount Overdrawn. |
|--|--|--------------------------|------------------|--------------------|-------------------|
| For the Support of the Indigent Sick, Act of May 19th, 1853.....           |  | 16,803 65                | 16,803 65        | .....              | .....             |
| " " Common Schools, Act of May 3d, 1855. ....                              |  | 52,255 42                | 52,255 42        | .....              | .....             |
| <i>General Appropriation Act of April 27th, 1855, unexpended balances.</i> |  |                          |                  |                    |                   |
| For Salary of Governor.....  |  | 6,666 67                 | 6,666 67         | .....              | .....             |
| " " Controller of State.....   |  | 3,000 00                 | 3,000 00         | .....              | .....             |
| " " Treasurer " .....  |  | 3,000 00                 | 3,000 00         | .....              | .....             |
| " " Secretary .....  |  | 2,625 00                 | 2,625 00         | .....              | .....             |
| " " Superintendent of Public Instruction.....                              |  | 3,375 00                 | 3,375 00         | .....              | .....             |
| " " Attorney General.....  |  | 1,333 33                 | 1,333 33         | .....              | .....             |
| " " Surveyor General.....  |  | 1,333 34                 | 1,333 34         | .....              | .....             |
| " " Quarter Master General .....   |  | 2,500 01                 | 2,500 01         | .....              | .....             |
| " " Governor's Private Secretary.....                                      |  | 1,666 67                 | 1,666 67         | .....              | .....             |
| " " Justices of Supreme Court.....   |  | 19,200 12                | 19,200 12        | .....              | .....             |
| " " District Judges.....   |  | 55,268 03                | 55,268 03        | .....              | .....             |
| " " Clerks in Controller's Office.....                                     |  | 6,480 00                 | 6,480 00         | .....              | .....             |
| " " " Treasurer's Office.....  |  | 4,320 00                 | 4,320 00         | .....              | .....             |
| " " " Secretary of State's Office.....                                     |  | 6,850 00                 | 6,850 00         | .....              | .....             |
| " " Contingents of Controller's Office.....                                |  | 3,707 50                 | 3,707 50         | .....              | .....             |
| " " " Treasurer's Office.....  |  | 1,975 98                 | 1,975 98         | .....              | .....             |



## TABULAR STATEMENT.—CONTINUED.

| PURPOSE AND DATE OF ACT.   |  | Amount of<br>Appropriation. | Amount<br>Expended. | Amount<br>Unexpended. | Amount<br>Overdrawn. |
|--|--|-----------------------------|---------------------|-----------------------|----------------------|
| For Contingents of Secretary of the State's Office.....          |  | 2,326 47                    | 2,326 47            | .....                 | .....                |
| " " Quarter Master General's Office.....                         |  | 563 49                      | 563 49              | .....                 | .....                |
| " " Attorney General's Office.....                               |  | 29 00                       | 29 00               | .....                 | .....                |
| " " Surveyor General's Office.....                               |  | 1,368 77                    | 1,368 77            | .....                 | .....                |
| " " Superintendent of Public Instruction.....                    |  | 806 00                      | 806 00              | .....                 | .....                |
| " " Supreme Court.....   |  | 1,355 51                    | 1,355 51            | .....                 | .....                |
| " " Legislature.....   |  | 4,943 79                    | 4,811 00            | 132 79                | .....                |
| " Translating Laws.....  |  | 419 00                      | 419 00              | .....                 | .....                |
| " Copying Laws and Journals.....                                 |  | 740 33                      | 643 39              | 96 96                 | .....                |
| " Transportation of Prisoners.....                               |  | 5,920 00                    | 5,920 00            | .....                 | .....                |
| " Fitting up Treasurer's Office and purchasing a Safe.....       |  | 2,429 10                    | 2,429 10            | .....                 | .....                |
| " State Printing.....  |  | 24,013 29                   | 24,013 29           | .....                 | .....                |
| " Paper for Printing.....  |  | 3,111 00                    | 3,111 00            | .....                 | .....                |
| " Support and Maintenance of Insane Asylum.....                  |  | 29,999 51                   | 29,999 51           | .....                 | .....                |
| " Rent of Armory, &c.....  |  | 119 50                      | 119 50              | .....                 | .....                |
| " per diem and mileage of Lieutenant Governor.....               |  | 1,600 00                    | 1,600 00            | .....                 | .....                |
| " Salaries of Physicians of Insane Asylum.....                   |  | 4,000 00                    | 4,000 00            | .....                 | .....                |
| " Pay of Officers and Clerks of the Senate.....                  |  | 10,035 00                   | 10,035 00           | .....                 | .....                |
| " " " Assembly.....  |  | 6,919 00                    | 6,919 00            | .....                 | .....                |
| " per diem and mileage of Senators.....                          |  | 11,709 00                   | 11,709 00           | .....                 | .....                |
| " " " Assemblymen.....   |  | 35,200 00                   | 35,200 00           | .....                 | .....                |
| " For Office Rent of State Officers.....                         |  | 7,907 50                    | 7,907 50            | .....                 | .....                |
| " Indexing Laws and Journals.....                                |  | 2,600 00                    | 2,600 00            | .....                 | .....                |
| " Contingents of State Library.....                              |  | 2,500 00                    | 2,500 00            | .....                 | .....                |
| " Prosecuting Delinquents by order of Controller.....            |  | 5,000 00                    | 5,000 00            | .....                 | .....                |
| " Contingents of Controller's Office, Act of March 14, 1855..... |  | 1,010 83                    | 1,010 00            | .....                 | .....                |
| " " Superintendent of Pub Instruction, Act of March 14, '55..... |  | 797 50                      | 805 65              | .....                 | 8 15                 |

|  |            |            |          |
|--|------------|------------|----------|
| <b>For Transportation of Prisoners, Act of March, 1855.</b>                            | 8,665 00   | 8,665 00   | .....    |
| " Paper for Printing, Act of March 14th, 1855.   | 67 25      | 67 25      | .....    |
| " Costs of Suit, wherein the State was party, Act of March 14th, 1855.                 | 667 48     | 667 48     | .....    |
| " Transportation of Insane, Act of March 14th, 1855.                                   | 205 00     | 205 00     | .....    |
| " Official Advertisements, Act of March 14th, 1855.                                    | 844 28     | 844 28     | .....    |
| " Prosecution of Escheated Estates, Act of March 20th, 1855.                           | 15,857 00  | 15,403 35  | 453 65   |
| " Indebtedness of the State Marine Hospital, Act of April 16th, 1855.                  | 30,121 29  | 30,121 49  | 20       |
| " A. J. F. Phelan, Clerk to Board of California War Examiners, Act of April 23d, 1855. | 900 00     | 900 00     | .....    |
| " Distributing Laws and Journals, Act of April 27th, 1855.                             | 1,500 00   | 1,500 00   | .....    |
| " Salary of Secretary of Supreme Court, Act of April 30th, 1855.                       | 1,800 00   | 1,800 00   | .....    |
| " Payment of State Prison Inspectors, Act of April 30th, 1855.                         | 100 00     | 100 00     | .....    |
| " Rewards for Arrest of Fugitives from Justice, Act of April 30th, 1855                | 1,000 00   | 1,000 00   | .....    |
| " Relief of Sarah Staples, Act of April 30th, 1855.                                    | 400 00     | 400 00     | .....    |
| " Building and Furniture for Insane Asylum, Act of May 3d, 1855.                       | 15,000 00  | 15,000 00  | .....    |
| " Salaries of State Prison Directors and Attaches, Act of May 7th, 1855                | 38,959 94  | 38,959 94  | .....    |
| " Labor and Materials furnished State Prison, Act of May 7th, 1855.                    | 172,906 56 | 172,906 56 | .....    |
| " State Agricultural Society, Act of May 13th, 1854.                                   | 5,000 00   | 5,000 00   | .....    |
| " Salary of Governor's Private Secretary. Act of March 21st, 1854.                     | 218 44     | 218 46     | (2)      |
| " Office Rent of Cal Land Commissioners, Act of March 21st, 1854.                      | 1,100 00   | 1,100 00   | .....    |
| " State Library, Act of May 1st, 1852.   | 139 56     | 139 50     | .....    |
| " Purchase of Property for State Prison.   | 47,477 70  | 47,477 70  | .....    |
| <i>General Appropriation Act of March 15th, 1856.</i>                                  |            |            |          |
| <b>For Salary of Governor.</b>   | 10,000 00  | 4,166 66   | 5,833 34 |
| " " Controller of State.   | 4,500 00   | 1,875 00   | 2,625 00 |
| " " Treasurer of State.  | 4,500 00   | 1,875 00   | 2,625 00 |
| " " Secretary of State.  | 3,500 00   | 1,127 65   | 2,372 35 |
| " " Attorney General.  | 2,000 00   | 833 30     | 1,166 70 |
| <b>For Salary of Surveyor General.</b>   | 2,000 00   | 833 31     | 1,166 69 |
| " " Superintendent of Public Instruction.  | 4,500 00   | 1,875 00   | 2,625 00 |

## TABULAR STATEMENT.—CONTINUED.

| PURPOSE AND DATE OF ACT.  | Amount of Appropriation. | Amount Expended. | Amount Unexpended. | Amount Overdrawn |
|---|--------------------------|------------------|--------------------|------------------|
| For Salary of Quarter Master General.....                         | 3,000                    | 749 99           | 2,250 01           | .....            |
| " " Governor's Private Secretary.....                             | 2,500                    | 1,041 66         | 1,458 34           | .....            |
| " " Secretary of Supreme Court.....                               | 1,350                    | 360 00           | 1,050 00           | .....            |
| " " Justices of Supreme Court.....                                | 26 000                   | 8,633 11         | 17,366 89          | .....            |
| " " District Judges.....  | 50,000                   | 6,397 27         | 43,602 73          | .....            |
| " " Clerks in Controller's Office.....                            | 12,960                   | 5,400 00         | 7,560 00           | .....            |
| " " Treasurer's Office.....                                       | 6,480                    | 2,700 00         | 3,780 00           | .....            |
| " " Secretary of State's Office.....                              | 9,720                    | 3,815 00         | 5,905 00           | .....            |
| " " per diem and mileage of Lieutenant Governor and Senators..... | 50,000                   | 33,062 00        | 16,938 00          | .....            |
| " " Assemblymen.....  | 110,000                  | 77,683 40        | 32,316 60          | .....            |
| " " compensation of Officers and Clerks of the Senate.....        | 20,000                   | 20,000 00        | .....              | .....            |
| " " " " Assembly.....   | 30,000                   | 26,692 00        | 3,308 00           | .....            |
| " " Contingents of the Senate.....                                | 7,000                    | 7,000 00         | .....              | .....            |
| " " " " Assembly.....   | 13,000                   | 13,000 00        | .....              | .....            |
| " " " " Supreme Court.....  | 6,000                    | 3,161 00         | 2,839 00           | .....            |
| " " " " Controller's Office.....                                  | 3,000                    | 1,438 81         | 1,561 19           | .....            |
| " " " " Treasurer's Office.....                                   | 3,000                    | 1,892 19         | 1,107 81           | .....            |
| " " " " Secretary of State's Office.....                          | 3,000                    | 1,563 42         | 1,436 58           | .....            |
| " " " " Superintendent of Public Instruction.....                 | 2,000                    | 536 49           | 1,469 51           | .....            |
| " " " " State Library.....  | 1,000                    | 147 93           | 852 07             | .....            |
| " " " " Surveyor General's Office.....                            | 2,500                    | 1,116 00         | 1,384 00           | .....            |
| " " " " Quarter Master General's Office.....                      | 2,000                    | 1,258 32         | 741 68             | .....            |
| " " " " Attorney General's Office.....                            | 2,500                    | 858 50           | 1,641 50           | .....            |
| " " " " Governor's Office.....                                    | 2,500                    | 2,219 35         | 280 65             | .....            |
| " " Governor's Special Contingent Fund.....                       | 5,000                    | 4,978 82         | 21 18              | .....            |
| " " Support of Insane Asylum.....                                 | 60,000                   | 29,957 15        | 30,042 85          | .....            |

|  |           |           |           |       |
|--|-----------|-----------|-----------|-------|
| Salaries of Physicians of the Insane Asylum.....                           | 8,000 00  | 2,000 00  | 6,000 00  | ..... |
| Rent of the State House.....   | 12,000 00 | 3,000 00  | 9,000 00  | ..... |
| Payment of Supreme Court Reports for the year 1854.....                    | 3,000 00  | 3,000 00  | .....     | ..... |
| Printing, Paper and Official Advertisements.....                           | 90,000 00 | 47,900 87 | 42,099 13 | ..... |
| Instruments, Furniture and Platting Expenses in Surveyor General's office. | 2,500 00  | 230 00    | 2,270 00  | ..... |
| Stationery, Fuel, Lights, &c., for the Legislature.....                    | 15,000 00 | 8,449 11  | 6,550 89  | ..... |
| <i>Appropriations for Deficiencies. Act of April 7th, 1856.</i>            |           |           |           |       |
| Compensation of State Printer.....   | 62,000 00 | 51,077 01 | 10,922 99 | ..... |
| Purchase of Paper for State Printing.....                                  | 4 600 00  | 4 600 00  | .....     | ..... |
| Transportation of Prisoners.....   | 12,000 00 | 11,935 00 | 65 00     | ..... |
| Transportation of Insane.....  | 2 325 00  | 2 325 00  | .....     | ..... |
| Fitting up Capitol, and Articles for the Legislature.....                  | 6 465 20  | 6,465 20  | .....     | ..... |
| Stationery by D. S. Lord.....  | 4 411 00  | 4 411 00  | .....     | ..... |
| Costs of Suit where the State was Party.....                               | 2 400 00  | 2 400 00  | .....     | ..... |
| Rent of Room for State Library.....  | 1 350 00  | 1 350 00  | .....     | ..... |
| Translating Laws, Executive and Legislative Documents.....                 | 2 659 00  | 788 38    | 1,870 62  | ..... |
| Indexing Journals of 1854.....   | 300 00    | 300 00    | .....     | ..... |
| Pay of Presidents pro tem. of 1852, 1853, and 1854.....                    | 1 532 00  | 1 532 00  | .....     | ..... |
| Contingents of Supreme Court.....  | 9,000 00  | 9,000 00  | .....     | ..... |
| “ State Library.....   | 138 00    | 138 00    | .....     | ..... |
| “ Governor's Office.....   | 650 00    | 650 00    | .....     | ..... |
| “ Controller's Office.....   | 2 835 00  | 2 835 00  | .....     | ..... |
| “ Treasurer's Office.....  | 2 151 00  | 2 151 00  | .....     | ..... |
| “ Secretary of State's Office.....   | 570 00    | 568 30    | 1 70      | ..... |
| “ Superintendent of Public Instruction.....                                | 1,000 00  | 1,000 00  | .....     | ..... |
| “ Attorney General's Office.....   | 800 00    | 71 00     | 729 00    | ..... |
| Township Plats, &c., and Contingents of Surveyor General's Office.....     | 5 000 00  | 5,000 00  | .....     | ..... |
| Contingents of Quarter Master General's Office.....                        | 893 00    | 893 00    | .....     | ..... |
| Compensation of Paul Morrill as Expert.....                                | 650 00    | 650 00    | .....     | ..... |
| Per Diem of Senators.....  | 2,275 00  | 1,832 00  | 443 00    | ..... |

# TABULAR STATEMENT—CONTINUED.

26

| PURPOSE AND DATE OF ACT.  | Amount of Appropriation. | Amount Expended. | Amount Unexpended. | Amount Overdrawn. |
|---|--------------------------|------------------|--------------------|-------------------|
| Per Diem of Assemblymen.....  | 180 00                   | 180 00           | .....              | .....             |
| Rent of Capitol.....  | 3,000 00                 | 3,000 00         | .....              | .....             |
| Lithographing State Bonds of 1855.....  | 1,000 00                 | 1,000 00         | .....              | .....             |
| Expenses of State Marine Hospital.....  | 9,684 83                 | 9,684 83         | .....              | .....             |
| Supreme Court Reports for the year 1855—(Vol 3d).....   | 3,000 00                 | 3,000 00         | .....              | .....             |
| Arrest of Prisoners, Reward offered by Governor Bigler.....   | 1,000 00                 | 1,000 00         | .....              | .....             |
| Wells, Fargo & Co., Expressing Packages in 1855.....  | 5,783 00                 | 5,782 78         | 22                 | .....             |
| James Langley, Services in Governor's Office in 1855.....   | 815 00                   | 815 00           | .....              | .....             |
| Repairing Water Pipes at Capitol Building.....  | 193 00                   | 193 00           | .....              | .....             |
| Payment of Water furnished the State for eight months.....  | 200 00                   | 200 00           | .....              | .....             |
| Publishing proposed Amendments to the Constitution.....   | 25,000 00                | 19,515 09        | 5,484 91           | .....             |
| Publishing Notices concerning Wagon Road, Swamp and Overflowed Lands,<br>Rewards, Election Proclamations, &c..... | 13,649 00                | 6,215 46         | 7,433 54           | .....             |
| <i>Publishing Notices of Sales by State Land Commissioners.</i>   |                          |                  |                    |                   |
| To the State Journal.....   | 2,301 37                 | 2,073 75         | 227 62             | .....             |
| To the S. F. Times and Transcript.....  | 3,108 25                 | 3,108 25         | .....              | .....             |
| To the S. F. Evening News.....  | 2,227 50                 | 2,139 75         | 87 75              | .....             |
| To the Echo du Pacifique.....   | 1,000 00                 | 1,000 00         | .....              | .....             |
| To the S. F. Sun.....   | 2,120 00                 | 2,116 50         | 3 50               | .....             |
| To the S. F. Herald.....  | 2,308 51                 | 2,159 75         | 148 76             | .....             |
| To the California Express.....  | 2,052 00                 | 1,835 00         | 216 00             | .....             |
| To the Support of Insane Asylum, Act of March 25, 1856.....   | 3,597 00                 | 3,597 00         | .....              | .....             |
| <i>Miscellaneous Appropriations.</i>  |                          |                  |                    |                   |
| Compensation of Officers and Clerks of the Senate, Act of April 19, 1856....                                      | 6,000 00                 | 4,929 00         | 1,071 00           | .....             |

|  |           |           |          |
|--|-----------|-----------|----------|
| Contingents of the Senate, Act of April 16, 1856.....  | 9,000     | 8,064 30  | 335 70   |
| Contingents of the Assembly, Act of April 16, 1856.....  | 10,000    | 4,987 50  | 5,012 50 |
| Salaries of State Prison Directors and Attaches, Act of May 7, 1855.....   | 21,910 80 | 21,910 80 |          |
| Temporary Support of State Prison, Act of February 14, 1856.....   | 15,000    | 15,000    |          |
| Expenses of Board of State Prison Commissioners, Act of March 21, 1856..   | 500       | 100       | 400      |
| Lessee of the State Prison, Act of March 21, 1856.....   | 40,000    | 40,000    |          |
| Salaries of State Prison Directors, Act of April 7, 1856.....  | 7,875     | 1,458 34  | 6,416 66 |
| Supplies and Materials furnished State Prison, Act of April 7, 1856.....   | 32,000    | 32,000    |          |
| Relief of Selim E. Woodworth, Act of April 14, 1856.....   | 551 75    | 551 75    |          |
| Transportation of Prisoners, Act of April 21, 1856.....  | 35,000    | 12,552    | 22,448   |
| Indexing Laws and Journals, Act of April 16, 1856.....   | 3,200     | 2,830     | 370      |
| Fees and Costs of suit prosecuted by Attorney General, Act of April 16, 1856                                       | 3,000     | 1,535 25  | 1,464 75 |
| Contingents of Board of Examiners, Act of April 16, 1856.....  | 250       | 15        | 235      |
| Salary of S. B. Smith, Commissioner of War Debt, Act of April 19, 1856....   | 5,000     | 3,500     | 1,500    |
| Salary of Clerk to Board of Commissioners of War Debt, Act of April 19, 1856                                       | 3,800     | 2,000     | 1,800    |
| Incidental Expenses of Commissioner of War Debt, Act of April 19, 1856..   | 1,000     | 1,000     |          |
| Per Diem and Mileage of Lieutenant Governor as Member of State Prison<br>Commissioners, Act of April 19, 1856..... | 260 80    | 260 80    |          |
| Translating Laws, Act of March 15, 1856.....   | 3,000     |           |          |
| Distributing Laws and Journals, Act of March 15, 1856.....   | 1,000     |           |          |
| Prosecuting Delinquent(s), Act of March 15, 1856.....  | 4,000     |           |          |
| Salary of Supreme Court Reporter, Act of April 19, 1856.....   | 4,000     |           |          |
| Annual and Term Reports, Act of April 19, 1856.....  | 2,000     |           |          |
| Translating certain Documents, Act of April 21, 1856.....  | 8,200     |           |          |
| Preparing Bonds of 1856, Act of April 19, 1856.....  | 1,000     |           |          |
| Completion of Insane Asylum, Act of April 19, 1856.....  | 40,000    |           |          |
| San Joaquin Republican, Act of April 7, 1856.....  | 2,265 75  |           |          |
| San Francisco Citizen, Act of April 7, 1856.....   | 2,120     |           |          |
| Salaries of Members of Board of Examiners, Act of April 16, 1856.....  | 1,800     |           |          |
| Erection of State Capitol, Act of April 18, 1856.....  | 300,000   |           |          |
| Contingents of State Capitol Commissioners, Act of April 18, 1856.....   | 2,000     |           |          |

Total Expenditures.....\$1,308,684 81.

## ABSTRACT

*Of Real and Personal Property, assessed for the Year 1856, and the amount of State Tax due thereon.*

| COUNTIES.       | Number of acres of Land. | Value of the same. | Value of Improvements thereon. | Value of City and Town Lots. | Value of Improvements thereon. | Value of Personal Property. | Total Value of Property. | State Tax thereon at 70c. on each \$100. |
|-----------------|--------------------------|--------------------|--------------------------------|------------------------------|--------------------------------|-----------------------------|--------------------------|--|
| Alameda .....   | 166,988                  | 1,162,420          | 281,170                        | 162,881                      | 168,520                        | 824,751                     | 2,599,751                | 18,197 33                                |
| Amador .....    | .....                    | 58,855             | 16,175                         | .....                        | 311,065                        | 1,201,231                   | 1,740,326                | 10,441 95                                |
| Butte .....     | 224,073                  | 323,403            | 781,105                        | .....                        | .....                          | 1,243,211                   | 2,347,719                | 16,434 03                                |
| Calaveras ..... | 17,642                   | 55,270             | 163,855                        | 79,960                       | 575,810                        | 999,796                     | 1,975,067                | 11,539 38                                |
| Colusa .....    | 217,702 $\frac{3}{4}$    | 489,917 54         | 93,896                         | 1,600                        | 26,974                         | 863,929 95                  | 1,476,317 49             | 10,334 22                                |
| Contra Costa .. | 187,394                  | 572,497            | 197,989                        | 19,467                       | 24,295                         | 761,588                     | 1,580,136                | 11,060 95                                |
| El Dorado ..... | .....                    | .....              | 1,671,205                      | 72,500                       | .....                          | 1,274,693                   | 3,018,398                | 21,128 78                                |
| Fresno .....    | .....                    | 50,000             | 56,065                         | .....                        | .....                          | 380,348 50                  | 406,413 50               | 2,844 89                                 |
| Humboldt .....  | 15,791                   | 22,125             | 120,110                        | 33,975                       | 90,160                         | 366,985                     | 642,355                  | 4,496 48                                 |
| Klamath .....   | .....                    | .....              | .....                          | .....                        | .....                          | .....                       | .....                    | .....                                    |
| Los Angeles ..  | .....                    | .....              | .....                          | .....                        | .....                          | .....                       | .....                    | .....                                    |
| Marin .....     | 285,126                  | 378,912            | 40,350                         | 8,188                        | 15,970                         | 509,696                     | 1,005,315                | 6,031 89                                 |
| Mariposa .....  | 57,600                   | 1,000,000          | 400,552                        | .....                        | .....                          | 531,095                     | 1,931,617                | 13,521 52                                |
| Mered .....     | 71,174                   | 35,554             | 93,815                         | .....                        | .....                          | 538,303                     | 667,672                  | 4,006 03                                 |
| Monterey .....  | 768,991                  | 573,759            | 104,120                        | 22,872                       | 127,305                        | 972,216                     | 1,800,182                | 10,801 09                                |
| Napa .....      | 249,521 $\frac{1}{2}$    | 746,020            | 276,125                        | 27,755                       | 76,900                         | 887,405                     | 2,015,205                | 14,051 28                                |
| Nevada .....    | .....                    | .....              | .....                          | .....                        | .....                          | .....                       | 2,558,515                | 17,931 69                                |
| Placer .....    | .....                    | .....              | .....                          | .....                        | .....                          | .....                       | 2,173,362 87             | 13,040 17                                |
| Plumas .....    | .....                    | .....              | .....                          | .....                        | .....                          | .....                       | .....                    | .....                                    |
| Sacramento ...  | 295,468                  | 758,145            | 821,065                        | 3,452,760                    | 1,945,495                      | 3,608,351                   | 10,585,821               | 74,100 75                                |

[illegible]



[G.]

## STATEMENT

*Showing a General Abstract of Assessments of Real and Personal Property, from the Organization of the State Government to the present Year, 1856, inclusive.*

| COUNTIES.       | 1850.      | 1851.      | 1852.      | 1853.      | 1854.       | 1855.        | 1856.        |
|-----------------|------------|------------|------------|------------|-------------|--------------|--------------|
| Alameda,        | ..         | ..         | ..         | 3,472,837  | \$4,383,179 | \$ 3,558,360 | \$ 2,599,751 |
| Amador,         | ..         | ..         | ..         | ..         | 1,038,443   | ....         | 1,740,326    |
| Butte,          | \$268,294  | \$533,952  | \$853,955  | 2,024,142  | 1,895,526   | 2,267,209    | 2,347,719    |
| Calaveras,      | 266,078    | ..         | 808,450    | 2,129,966  | ..          | 1,927,977    | 1,975,067    |
| Colusa,         | ..         | 367,661    | 966,840    | 1,470,131  | 1,505,178   | 1,259,053    | 1,476,317    |
| Contra Costa,   | 2,002,410  | 1,753,648  | 3,236,198  | 1,995,192  | 2,330,084   | 1,710,408    | 1,580,136    |
| El Dorado,      | 572,410    | 697,651    | 1,831,801  | 3,660,369  | 3,278,324   | 2,530,488    | 3,018,398    |
| Fresno,         | ..         | ..         | ..         | ..         | ..          | ....         | 406,413      |
| Humboldt,       | ..         | ..         | ..         | ..         | 826,119     | 467,161      | 642,355      |
| Klamath,        | ..         | 19,770     | 65,370     | 299,984    | 393,218     | ....         | ....         |
| Los Angeles,    | 1,931,403  | 2,187,992  | 2,256,125  | 3,193,487  | 3,659,040   | 2,561,359    | ....         |
| Marin,          | 1,006,893  | 756,375    | 932,192    | ..         | ..          | 901,589      | 1,005,315    |
| Mariposa,       | ..         | 160,435    | 1,216,557  | 1,681,422  | 1,676,583   | 1,262,987    | 1,931,647    |
| Merced,         | ..         | ..         | ..         | ..         | ..          | 495,017      | 667,672      |
| Monterey,       | 3,631,213  | 1,638,308  | 1,543,920  | 1,607,168  | 1,763,787   | 1,189,875    | 1,800,182    |
| Napa,           | 918,164    | 803,140    | 1,289,048  | 1,527,902  | 1,404,206   | 2,125,615    | 2,015,205    |
| Nevada,         | ..         | 686,080    | 956,925    | ..         | 1,750,810   | 2,304,019    | 2,558,515    |
| Placer,         | ..         | 304,192    | 1,365,985  | 1,196,975  | 1,551,757   | 1,804,089    | 2,173,362    |
| Plumas,         | ..         | ..         | ..         | ..         | 311,003     | ....         | ....         |
| Sacramento,     | 8,947,454  | 6,331,024  | 7,232,026  | 8,252,920  | 8,775,966   | 9,297,634    | 10,585,821   |
| San Bernardino, | ..         | ..         | ..         | 304,086    | 305,232     | 312,778      | ....         |
| San Diego,      | 396,810    | 820,811    | 424,637    | ..         | 699,859     | ....         | ....         |
| San Francisco,  | 21,621,184 | 17,794,711 | 18,481,737 | 32,377,893 | 35,796,475  | 32,841,027   | 30,368,254   |

|                    |              |              |              |              |               |               |              |
|--------------------|--------------|--------------|--------------|--------------|---------------|---------------|--------------|
| San Joaquin, -     | 1,821,489    | 1,715,189    | 2,813,404    | 4,943,891    | 4,174,708     | 4,064,470     | 3,814,968    |
| San Luis Obispo, - | 577,618      | 460,530      | 512,324      | 421,750      | 516,441       | 380,228       | 498,476      |
| San Mateo, -       | ..           | ..           | ..           | ..           | ..            | ..            | 1,320,333    |
| Santa Barbara, -   | 992,676      | 821,000      | 989,686      | 1,136,654    | 952,065       | 887,035       | ..           |
| Santa Clara, -     | 4,883,295    | 2,934,183    | 3,292,153    | 4,428,976    | 6,582,062     | 5,443,780     | 5,771,417    |
| Santa Cruz, -      | ..           | 1,184,821    | 1,095,094    | 1,085,400    | 1,470,878     | 1,004,971     | 1,148,249    |
| Shasta, -          | ..           | 497,025      | 645,545      | 968,584      | 1,064,362     | 1,658,401     | 1,866,470    |
| Sierra, -          | ..           | ..           | 657,976      | 777,784      | 1,389,042     | ..            | ..           |
| Siskiyou, -        | ..           | ..           | 478,988      | 917,190      | 1,126,763     | 2,218,481     | ..           |
| Solano, -          | 2,709,246    | 1,178,756    | 2,896,795    | 3,851,048    | 4,580,498     | 2,794,372     | ..           |
| Sonoma, -          | 1,187,672    | 1,627,572    | 1,657,091    | 2,880,309    | 4,098,630     | 3,941,173     | ..           |
| Stanislaus, -      | ..           | ..           | ..           | ..           | 577,973       | 642,988       | 642,422      |
| Sutter, -          | 1,292,618    | 741,732      | 617,894      | 755,304      | 1,243,148     | 1,703,647     | 1,817,104    |
| Tehama, -          | ..           | ..           | ..           | ..           | ..            | ..            | 1,004,075    |
| Trinity, -         | ..           | 215,812      | 233,873      | 526,615      | 477,055       | 642,077       | ..           |
| Tulare, -          | ..           | ..           | ..           | 199,914      | 193,137       | ..            | ..           |
| Tuolumne, -        | ..           | 504,927      | 1,620,911    | 2,374,861    | 2,463,986     | 2,423,510     | 2,564,318    |
| Yolo, -            | 269,702      | 599,343      | 1,321,969    | 1,177,625    | 1,990,576     | 2,205,610     | ..           |
| Yuba, -            | 2,374,060    | 1,894,412    | 2,289,906    | 3,695,267    | 4,945,517     | 5,109,804     | 5,667,152    |
| Totals, -          | \$57,670,689 | \$49,231,052 | \$64,588,375 | \$95,335,646 | \$111,191,600 | \$103,897,193 | \$95,007,440 |

## [H]

## STATEMENT OF THE DIFFERENT FUNDS.

Cash on hand in State Treasury, July 1st, 1856, to the credit of—

|  |              |
|--|--------------|
| General Fund .....   | \$70,718 49  |
| Interest Fund of 1851 .....                                      | 32,714 03    |
| State Prison Interest Fund .....                                 | 8,035 28     |
| Hospital Fund .....  | 3,834 10     |
| Insane Asylum Fund .....   | 106 72       |
| School Fund .....  | 43,144 41    |
| Sinking Fund of 1851 .....                                       | 9,725 54     |
| Estates of Deceased Persons .....                                | 89 09        |
| Library Fund .....   | 4,354 33     |
| State Property Fund .....  | 26 81        |
| Military Fund .....  | 192 64       |
| Interest Fund of 1855 .....                                      | 2 255 59     |
|  | <hr/>        |
|  | \$175,197 03 |
| Deduct Interest Fund of 1852, this amount overdrawn .....        | 11,352 93    |
|  | <hr/>        |
| Amount in Treasury as per Controller's Books, July 1, 1856 ..... | \$163,844 10 |

[I.]

## STATE PRISON BONDS.

*Issued under Act of May 11, 1853.*

|  |           |         |
|--|-----------|---------|
| Total amount issued to June 30, 1856 ..... | \$134,500 |         |
| Amount redeemed Fifth Fiscal Year.....     | \$119,500 |         |
| “ Sixth Fiscal Year.....                   | 6,000     |         |
|  | <hr/>     | 125,500 |
|  |           | <hr/>   |
|  |           | \$9,000 |

## TEMPORARY STATE LOAN BONDS.

*Issued under Act of February 1, 1850.*

|  |            |            |
|--|------------|------------|
| Total Principal outstanding June 30, 1856..... | \$2,925 00 |            |
| Interest to April 22, 1854.....                | 3,963 95   |            |
|  | <hr/>      | \$6,888 95 |

[J.]

## SEVEN PER CENT. CIVIL BONDS.

*Issued under Act of April 29, 1851.*

|   |           |           |
|---|-----------|-----------|
| Total amount issued to June 30, 1856..... | \$458,500 |           |
| Amount redeemed Third Fiscal Year.....    | \$19,500  |           |
| “ Fourth Fiscal Year.....                 | 34,500    |           |
| “ Fifth Fiscal Year.....                  | 70,500    |           |
| “ Sixth Fiscal Year.....                  | 60,500    |           |
| “ Seventh Fiscal Year.....                | 123,500   |           |
|   | <hr/>     | \$308,500 |
|   |           | <hr/>     |
| Balance outstanding June 30, 1856.....    |           | \$150,000 |

## SEVEN PER CENT. CIVIL BONDS.

*Issued under Act of May 1, 1852.*

|   |             |
|---|-------------|
| Total amount issued to June 30, 1856..... | \$1,424,100 |
| Amount redeemed Fifth Fiscal Year.....    | \$29,500    |
| “ Sixth Fiscal Year.....                  | 5,000       |
|   | <hr/>       |
|   | 34,500      |
|   | <hr/>       |
|   | \$1,389 600 |

## SEVEN PER CENT. CIVIL BONDS.

*Issued under Act of March 16, 1855.*

|  |           |
|--|-----------|
| Total amount issued to June 30, 1856, and outstanding..... | \$700,000 |
|--|-----------|

## SEVEN PER CENT. CIVIL BONDS.

*Issued under Act of April 19, 1856.*

|  |           |
|--|-----------|
| Total amount issued to June 30, 1856, and outstanding..... | \$894,500 |
|--|-----------|

[K.]

## REDEMPTION OF WARRANTS DURING SEVENTH FISCAL YEAR

*Warrants Redeemed in July, 1855.*

|                          |             |
|--------------------------|-------------|
| General Fund.....        | \$52,625 25 |
| Hospital Fund.....       | 5,508 81    |
| School Fund.....         | 17,324 83   |
|                          | <hr/>       |
| Total in July, 1855..... | \$75,458 89 |

*Warrants Redeemed in August, 1855.*

|                            |             |
|----------------------------|-------------|
| General Fund.....          | \$26,925 85 |
| Hospital Fund.....         | 1,171 45    |
| School Fund.....           | 4,336 24    |
| Library Fund.....          | 72 50       |
|                            | <hr/>       |
| Total in August, 1855..... | \$32,506 04 |

*Warrants Redeemed in September, 1855.*

|                               |             |             |
|-------------------------------|-------------|-------------|
| General Fund.....             | \$28,796 63 |             |
| School Fund.....              | 142 81      |             |
| Library Fund.....             | 67 00       |             |
|                               | <hr/>       |             |
| Total in September, 1855..... |             | \$29,006 44 |

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*Warrants Redeemed in October, 1855.*

|                             |             |             |
|-----------------------------|-------------|-------------|
| General Fund.....           | \$60,739 85 |             |
| Hospital Fund.....          | 4,229 56    |             |
| School Fund.....            | 1,952 20    |             |
|                             | <hr/>       |             |
| Total in October, 1855..... |             | \$66,921 61 |

---

*Warrants Redeemed in November, 1855.*

|                              |             |             |
|------------------------------|-------------|-------------|
| General Fund.....            | \$26,452 82 |             |
| Hospital Fund.....           | 6,606 32    |             |
|                              | <hr/>       |             |
| Total in November, 1855..... |             | \$33,059 14 |

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*Warrants Redeemed in December, 1855.*

|                               |           |             |
|-------------------------------|-----------|-------------|
| General Fund.....             | 21,079 53 |             |
|                               | <hr/>     |             |
| Total in December, 1855,..... |           | \$21,079 53 |

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*Warrants Redeemed in January, 1856.*

|                             |             |              |
|-----------------------------|-------------|--------------|
| General Fund.....           | \$90,168 67 |              |
| Hospital Fund.....          | 2,276 27    |              |
| School Fund.....            | 25,894 00   |              |
|                             | <hr/>       |              |
| Total in January, 1856..... |             | \$118,338 94 |

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*Warrants Redeemed in February, 1856.*

|                              |             |             |
|------------------------------|-------------|-------------|
| General Fund.....            | \$58,443 55 |             |
| School Fund.....             | 549 36      |             |
|                              | <hr/>       |             |
| Total in February, 1856..... |             | \$58,992 91 |

*Warrants Redeemed in March, 1856.*

|                           |            |             |
|---------------------------|------------|-------------|
| General Fund.....         | \$9,379 30 |             |
| Hospital Fund.....        | 1,693 80   |             |
| School Fund.....          | 336 00     |             |
|                           | <hr/>      |             |
| Total in March, 1856..... |            | \$11,409 10 |

*Warrants Redeemed in April, 1856.*

|                                 |             |             |
|---------------------------------|-------------|-------------|
| General Fund.....               | \$36,847 44 |             |
| Hospital Fund.....              | 455 20      |             |
| School Fund.....                | 280 80      |             |
| Governor's Contingent Fund..... | 418 67      |             |
|                                 | <hr/>       |             |
| Total in April, 1856.....       |             | \$38,002 11 |

*Warrants Redeemed in May, 1856.*

|                         |            |            |
|-------------------------|------------|------------|
| General Fund.....       | \$2,216,51 |            |
| Hospital Fund.....      | 36,43      |            |
| School Fund.....        | 1,455 60   |            |
|                         | <hr/>      |            |
| Total in May, 1856..... |            | \$3,708 54 |

*Warrants Redeemed in June, 1856.*

|   |              |              |
|---|--------------|--------------|
| General Fund.....                           | \$3,202 02   |              |
|   | <hr/>        |              |
| Total in June, 1856.....                    |              | \$3,202 20   |
|   | <hr/>        |              |
| Total Redemption other than by Bonding..... | \$491,685 27 | \$491,685 27 |

|  |  |  |                |
|--|--|--|----------------|
| Total Amount of Warrants Redeemed by<br>Hon. Henry Bates, State Treasurer, up to<br>June 30th, 1856, inclusive, for which Bonds<br>were issued, in conformity with the "Act<br>of April 19th, 1856"..... |  |  | \$884,663 99   |
|  |  |  | <hr/>          |
| Total Redemption seventh Fiscal year.....  |  |  | \$1,376,349 26 |

## RECAPITULATION.

|   |                |
|---|----------------|
| Amount Warrants outstanding June 30, 1855.  | \$296,769 30   |
| Amount of Warrants issued by Controller<br>during seventh Fiscal Year, from June 30,<br>1855, to June 30, 1856..... | 1,368,684 81   |
| Total issued and outstanding.....   | \$1,665,454 11 |
| Total Amount Redeemed as per above....  | \$1,376,349 26 |
| Total Controller's Warrants outstanding<br>June 30, 1856.....   | \$249,104 85   |
| Total Amount of Controller's War-<br>rants outstanding June 30, 1856.....   | \$249,104 85   |

[L.]

## WAR DEBT OF THE STATE.

*June 30th, 1856.*

|   |                       |
|---|-----------------------|
| Twelve per cent Bonds issued under Act of 1851, | \$200,000 00          |
| Interest due thereon, - - - - -                 | 99,812 20             |
|   | <u>\$299,812 20</u>   |
| Seven per cent. Bonds issued under Act of 1852, | \$631,015 00          |
| Interest due thereon, - - - - -                 | 116,000 00            |
|   | <u>\$747,015 00</u>   |
| Warrants unfunded, - - - - -                    | 14,351 39             |
| Total, - - - - -                                | <u>\$1,061,178 59</u> |

[M.]

## CONDENSED STATEMENT

*Of the Civil Debt of the State, June 30th, 1856.*

|  |            |
|--|------------|
| Three per cent. Bonds, Principal and Interest, - - - | \$6,888 95 |
| Seven per cent. Bonds, April 20th, 1851, - - -       | 150,000 00 |



|   |   |   |   |   |             |                |
|---|---|---|---|---|-------------|----------------|
| Seven per cent. Bonds, May 1st, 1852,               | - | - | - | - | 1,389,600   | 00             |
| Seven per cent. Bonds, March 16th, 1855,            | - | - | - | - | 700,000     | 00             |
| State Prison Bonds, May 11th, 1853,                 | - | - | - | - | 9,000       | 00             |
| Seven per cent. Bonds, April 19th, 1856,            | - | - | - | - | 877,500     | 00             |
| Controller's Warrants, Outstanding June 30th, 1856, | - | - | - | - | 249,104     | 85             |
|   |   |   |   |   |             | <hr/>          |
| Total Debt, June 30th. 1856,                        | - | - | - | - | \$3,382,093 | 80             |
| Deduct Cash on hand in Treasury,                    | - | - | - | - | 143,897     | 03             |
|   |   |   |   |   |             | <hr/>          |
|   |   |   |   |   |             | \$3,238,196 77 |
| Amount due School Fund for School purposes,         | - | - | - | - | 464,000     | 00             |
|   |   |   |   |   |             | <hr/>          |
|   |   |   |   |   |             | \$3,702,196 77 |

[N.]

## ESTIMATE

*Of Receipts for the Eighth Fiscal Year, ending June 30th, 1857.*

|  |   |   |   |   |   |   |           |
|--|---|---|---|---|---|---|-----------|
| Property Tax,                          | - | - | - | - | - | - | 425,000   |
| Poll Tax,                              | - | - | - | - | - | - | 60,000    |
| Foreign Miners' Licenses,              | - | - | - | - | - | - | 175,000   |
| Commutation Tax,                       | - | - | - | - | - | - | 7,000     |
| Military Tax,                          | - | - | - | - | - | - | 5,000     |
| Fees from Secretary of State's Office, | - | - | - | - | - | - | 3,000     |
| Swamp and Overflowed Lands,            | - | - | - | - | - | - | 18,000    |
| State Licenses,                        | - | - | - | - | - | - | 60,000    |
|  |   |   |   |   |   |   | <hr/>     |
| Total,                                 | - | - | - | - | - | - | \$753,000 |

[O.]

## ESTIMATE

*Of Expenditures for the Eighth Fiscal Year, ending June 30th, 1857.*

|   |   |   |   |   |   |   |          |
|---|---|---|---|---|---|---|----------|
| For Salary of Governor,                 | - | - | - | - | - | - | \$10,000 |
| " Controller of State,                  | - | - | - | - | - | - | 4,500    |
| " Treasurer of State,                   | - | - | - | - | - | - | 4,500    |
| " Secretary of State,                   | - | - | - | - | - | - | 3,500    |
| " Superintendent of Public Instruction, | - | - | - | - | - | - | 3,500    |
| " Attorney General,                     | - | - | - | - | - | - | 2,000    |
| " Surveyor General,                     | - | - | - | - | - | - | 2,000    |
| " Quarter Master General,               | - | - | - | - | - | - | 3,000    |

|   |   |   |   |           |
|---|---|---|---|-----------|
| For Salary of Governor's Private Secretary,   | - | - | - | 2,500     |
| " Secretary of Supreme Court,                 | - | - | - | 1,800     |
| " State Prison Directors,                     | - | - | - | 7,000     |
| " Justices of the Supreme Court,              | - | - | - | 25,834    |
| " District Judges,                            | - | - | - | 79,500    |
| " Clerks in Controller's Office,              | - | - | - | 12,960    |
| " Clerks in Treasurer's Office,               | - | - | - | 6,480     |
| " Clerks in Secretary of State's Office,      | - | - | - | 9,720     |
| Per diem and Mileage of Assemblymen,          | - | - | - | 73,986    |
| " " Lieutenant Governor and Senators,         | - | - | - | 37,710    |
| Pay of Officers and Clerks of Assembly,       | - | - | - | 25,000    |
| " " Senate,                                   | - | - | - | 25,000    |
| Joint Contingent Expenses of the Legislature, | - | - | - | 10,000    |
| Contingent Expenses of the Senate,            | - | - | - | 11,000    |
| " " Assembly,                                 | - | - | - | 13,000    |
| " " Supreme Court,                            | - | - | - | 6,000     |
| " " Controller's Office,                      | - | - | - | 3,000     |
| " " Treasurer's Office,                       | - | - | - | 3,000     |
| " " Secretary of State's Office,              | - | - | - | 3,000     |
| " " Super't of Public Instruction's Office,   | - | - | - | 2,000     |
| " " Surveyor General's Office,                | - | - | - | 2,500     |
| " " Attorney General's Office,                | - | - | - | 2,500     |
| " " Quarter Master General's Office,          | - | - | - | 2,000     |
| " " Governor's Office,                        | - | - | - | 2,500     |
| Governor's Special Contingent Fund,           | - | - | - | 5,000     |
| Support of Insane Asylum,                     | - | - | - | 60,000    |
| Salaries of Physicians of Insane Asylum,      | - | - | - | 8,000     |
| " Supreme Court Reporter,                     | - | - | - | 4,000     |
| Annual and Term Reports,                      | - | - | - | 2,000     |
| Transportation of Prisoners,                  | - | - | - | 30,000    |
| Lessee of State Prison,                       | - | - | - | 120,000   |
| Distributing Laws and Journals,               | - | - | - | 1,000     |
| Translating Laws,                             | - | - | - | 3,000     |
| Prosecuting Delinquents,                      | - | - | - | 4,000     |
| Indexing Laws and Journals,                   | - | - | - | 3,000     |
| Printing, Paper and Official Advertisements,  | - | - | - | 75,000    |
| Rent of State House,                          | - | - | - | 12,000    |
| Total,  | - | - | - | \$727,990 |

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N. B. The foregoing estimate of Expenditures, is based upon the supposition that the Legislature will not continue in session over ninety days.

[P.]

## WARRANTS

*Drawn from July 1st, 1856, to December 20th, 1856, Inclusive.*

|                         |   |   |   |   |   |           |    |
|-------------------------|---|---|---|---|---|-----------|----|
| On General Fund,        | - | - | - | - | - | \$279,678 | 38 |
| On Miscellaneous Funds, | - | . | - | - | - | 50,822    | 32 |
| Total Amount Issued,    | - | - | - | - | - | \$329,500 | 70 |

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[Q.]

## CALIFORNIA WAR DEBT.

|   |   |   |           |    |
|---|---|---|-----------|----|
| Amount of seven per cent. Bonds unredeemed,   | - | - | \$26,600  | 00 |
| Amount of twelve per cent. Bonds unredeemed,  | - | - | 23,000    | 00 |
| Total Unpaid up to January 1st, 1854, Exclusive of Interest,<br>\$14,000, to January 1st, 1854, | - | - | \$59,600  | 00 |
| Amount of Appropriations by Congress,   | - | - | \$924,259 | 65 |
| Bonds Redeemed,   | - | - | 840,648   | 65 |
| Balance of Appropriation,   | - | - | \$83,611  | 00 |

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## CIVIL DEBT OF THE STATE.

*December 20th, 1856.*

|  |   |   |             |    |
|--|---|---|-------------|----|
| Three per cent. Bonds, Principal and Interest, | - | - | \$6,888     | 95 |
| Seven per cent. Bonds, Act April 28th, 1851,   | - | - | 150,000     | 00 |
| Seven per cent. Bonds, Act May 1st, 1852,      | - | - | 1,389,600   | 00 |
| Seven per cent. Bonds, Act March 16th, 1855,   | - | - | 700,000     | 00 |
| Seven per cent. Bonds, April 19th, 1856,       | - | - | 984,000     | 00 |
| Controller's Warrants,                         | - | - | 404,447     | 12 |
|  |   |   | \$3,634,936 | 07 |





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[EIGHTH SESSION.]

ANNUAL REPORT  
OF THE  
STATE TREASURER,  
FOR  
THE FISCAL YEAR ENDING JUNE 30TH, 1856.

[JAMES ALLEN, STATE PRINTER.]

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## ANNUAL REPORT OF STATE TREASURER.

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STATE OF CALIFORNIA, TREASURY DEPARTMENT, }  
Sacramento, December 25th, 1856. }

To His Excellency,

Governor J. NEELY JOHNSON,

SIR:—I have the honor to submit herewith, a Report of the Financial Transactions of this Department, for the Fiscal Year, ending June 30, 1856.

Very respectfully,

Your obedient servant,

HENRY BATES,

State Treasurer.



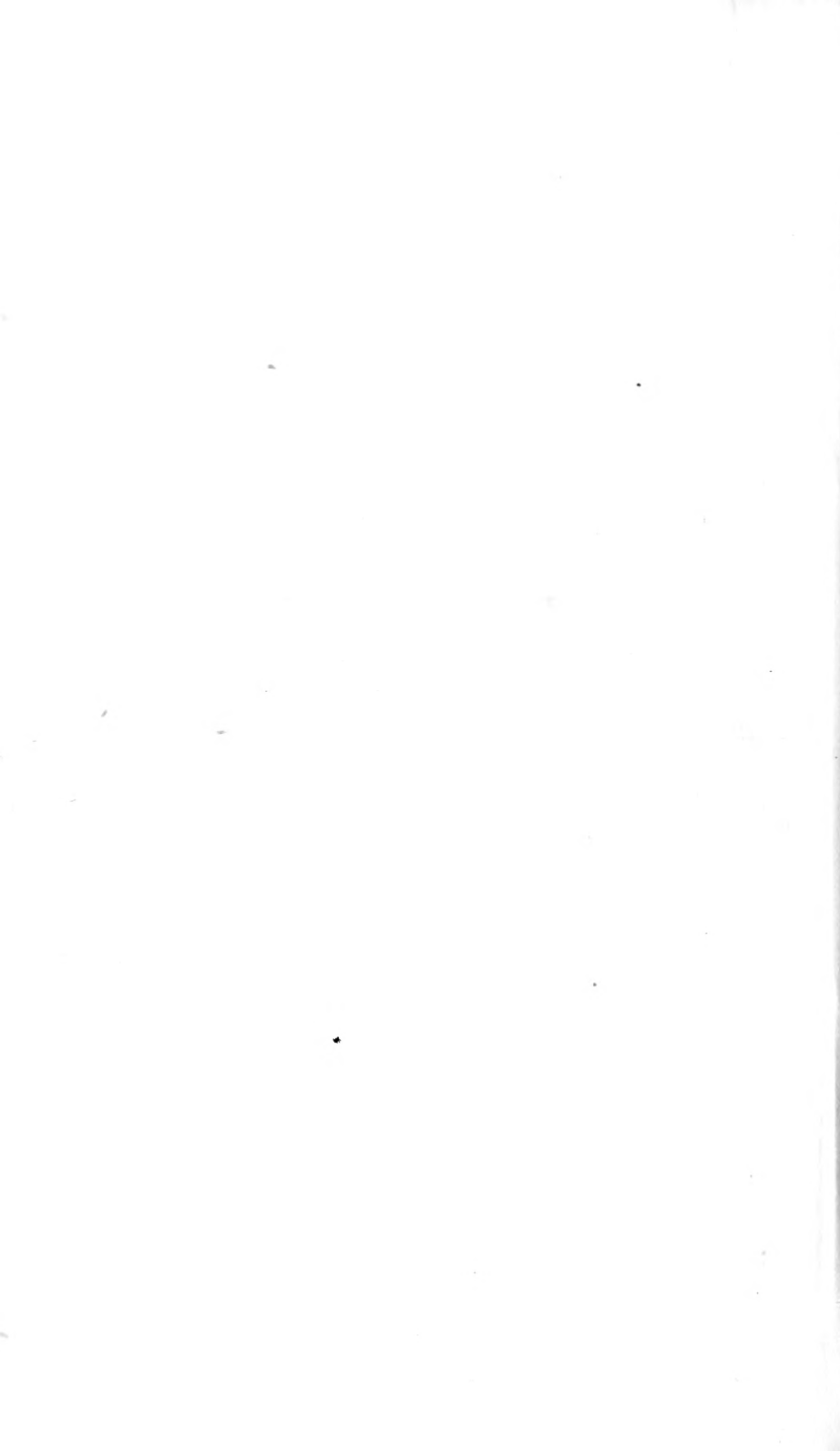


TABLE STAFFMENT of Dispositions out of the State Treasury from July 1st, 1855 to June 30th, 1856.

[illegible]



# STATEMENT OF RECEIPTS INTO THE STATE TREASURY FROM 1st TO 13th JANUARY, 1857.

| DATE.      | FROM WHOM RECEIVED.  | General Fund. | Interest Fund, 1851. | Interest Fund, 1852. | State Prison Interest Fund. | Hospital Fund. | Insane Asylum Fund. | School Fund. | Sluicing Fund, 1851. | Entire of decreased Permits. | Library Fund. | State Property Fund. | Military Fund. | Interest Fund, 1853. | Interest Fund, 1854. | AMOUNT.      |
|------------|--|---------------|----------------------|----------------------|-----------------------------|----------------|---------------------|--------------|----------------------|------------------------------|---------------|----------------------|----------------|----------------------|----------------------|--------------|
| 1857.      |  |               |                      |                      |                             |                |                     |              |                      |                              |               |                      |                |                      |                      |              |
| January 1  | Balances.....  | \$82,117 99   | \$49,329 93          | \$12,333 06          | \$3,430 39                  | \$9,023 68     | \$106 72            | \$26,859 74  | \$7,719 61           | \$89 09                      | \$446 06      | \$26 81              | \$2,943 04     | \$5,692 18           | \$9,486 98           |              |
| " 2        | Treasurer of El Dorado County,   | 7,342 20      | 193 88               | 504 07               | 38 77                       |                |                     | 155 10       |                      |                              |               |                      |                | 232 65               | 387 15               |              |
| " 3        | " Amador "   | 3,325 0       | 107 13               | 278 53               | 21 42                       |                |                     | 302 97       |                      |                              |               |                      | 187 80         | 128 55               | 214 23               |              |
| " 5        | " Shasta "   | 5,773 00      | 629 55               | 1,636 31             | 125 87                      |                |                     | 600 00       |                      |                              |               |                      |                | 755 22               | 1,268 70             |              |
| " 5        | " Yuba "   | 8,850 95      |                      |                      |                             |                |                     | 53 44        |                      |                              |               |                      | 82 07          |                      |                      |              |
| " 5        | " Los Angeles "  | 524 16        |                      |                      |                             |                |                     | 521 05       |                      |                              |               |                      | 294 88         | 551 86               | 929 77               |              |
| " 6        | " Solter "   | 3,329 65      | 464 89               | 1,208 72             | 93 98                       |                |                     | 385 43       |                      |                              |               |                      |                | 299 88               | 489 50               |              |
| " 7        | " Placer "   | 10,980 72     | 249 90               | 649 74               | 49 98                       |                |                     | 137 98       |                      |                              |               |                      |                | 110 77               | 184 58               |              |
| " 7        | " Marin "  | 764 62        | 92 28                | 239 98               | 18 46                       |                |                     |              |                      |                              |               |                      |                |                      |                      |              |
| " 7        | Commissioner of Emigrants.....   |               |                      |                      |                             | 294 50         |                     |              |                      |                              | 300 00        |                      |                |                      |                      |              |
| " 7        | D F Douglas, Secretary of State...   |               |                      |                      | 155 08                      |                |                     | 163 16       |                      |                              |               |                      | 96 62          | 930 50               | 1,550 83             |              |
| " 7        | Treasurer of Alameda County.....   | 5,062 84      | 775 42               | 2,010 09             | 67 61                       |                |                     | 270 42       |                      |                              |               |                      |                | 405 63               | 676 65               |              |
| " 7        | " San Joaquin County...  | 2,500 65      | 338 02               | 878 86               | 52 25                       |                |                     | 209 00       |                      |                              |               |                      |                | 813 51               | 522 52               |              |
| " 8        | " Santa Cruz "   | 1,064 32      | 261 27               | 679 28               | 126 13                      |                |                     | 604 21       |                      |                              |               |                      | 56 47          | 756 78               | 1,261 30             |              |
| " 8        | " Napa "   | 4,422 55      | 630 65               | 1,839 69             | 29 10                       |                |                     | 207 46       |                      |                              |               |                      |                | 234 60               | 391 00               |              |
| " 8        | " Merced "   | 1,420 79      | 195 50               | 508 50               | 103 47                      |                |                     | 1,489 36     |                      |                              |               |                      | 87 30          | 620 82               | 1,034 70             |              |
| " 9        | " Tuolumne "   | 9,870 60      | 517 35               | 1,345 11             | 52 55                       |                |                     | 299 75       |                      |                              |               |                      | 30 56          | 315 33               | 525 55               |              |
| " 9        | " Yolo "   | 2,584 53      | 262 15               | 683 21               | 33 65                       |                |                     | 176 43       |                      |                              |               |                      |                | 201 00               | 336 60               |              |
| " 9        | " Santa Clara "  | 1,678 59      | 168 30               | 437 58               |                             |                |                     |              |                      |                              |               |                      |                |                      |                      |              |
| " 9        | Borrowed from General Fund temporarily, for deficiency to meet interest..... |               |                      | \$25,056 55          |                             |                |                     |              |                      |                              |               |                      |                | 13,078 76            | \$24,228 64          |              |
|            | Totals .....   | 147,885 31    | \$47,316 62          | \$50,095 08          | \$4,407 72                  | \$9,318 18     | \$106 72            | \$32,720 49  | \$7,719 61           | \$89 09                      | \$746 06      | \$26 81              | \$3,778 74     | \$25,235 00          | \$43,489 02          | \$372,864 43 |
| 1857.      |  |               |                      |                      |                             |                |                     |              |                      |                              |               |                      |                |                      |                      |              |
| January 13 | Balances.....  | \$60,430 96   | \$42,085 72          |                      | \$4,407 72                  | \$9,318 18     | \$106 72            | \$1,448 04   | \$7,719 61           | \$89 09                      | \$746 06      | \$26 81              | \$3,778 74     |                      |                      | \$130,107 6  |





DR.

GENERAL FUND *in Account with*

|                               |         |   |              |
|-------------------------------|---------|---|--------------|
| 1855.                         |         | Amount brought forward,.....                                | \$187,037 95 |
| Nov. 10,                      | To Paid | Registered Warrants.....                                    | 1,223 33     |
| 12, "                         |         | Members of Assembly.....                                    | 119 60       |
| 12, "                         |         | Registered Warrants.....                                    | 959 01       |
| 13, "                         |         | Registered Warrants.....                                    | 270 00       |
| 15, "                         |         | Registered Warrants.....                                    | 661 83       |
| 16, "                         |         | Registered Warrants.....                                    | 3,000 00     |
| 16, "                         |         | Members of Assembly.....                                    | 123 00       |
| 23, "                         |         | Members of Assembly.....                                    | 456 00       |
| 28, "                         |         | Registered Warrants.....                                    | 1,672 90     |
| 28, "                         |         | Registered Warrants.....                                    | 669 50       |
| 30, "                         |         | Registered Warrants.....                                    | 1,441 33     |
| 30, "                         |         | Certificates of balance.....                                | 143 00       |
| Dec. 6, "                     |         | Registered Warrants.....                                    | 2,634 46     |
| 7, "                          |         | Preferred Scrip.....  | 168 00       |
| 12, "                         |         | Registered Warrants.....                                    | 5,474 33     |
| 13, "                         |         | Registered Warrants.....                                    | 798 87       |
| 13, "                         |         | Preferred Warrants.....                                     | 74 00        |
| 13, "                         |         | Preferred Warrants.....                                     | 84 00        |
| 13, "                         |         | Preferred Warrants.....                                     | 556 80       |
| 13, "                         |         | Registered Warrants.....                                    | 527 00       |
| 17, "                         |         | Registered Warrants.....                                    | 868 57       |
| 17, "                         |         | Registered Warrants.....                                    | 516 66       |
| 19, "                         |         | Registered Warrants.....                                    | 784 40       |
| 22, "                         |         | Registered Warrants.....                                    | 630 00       |
| 24, "                         |         | Controller's order to W. Wand.....                          | 3,025 71     |
| 26, "                         |         | Registered Warrants.....                                    | 30 00        |
| 28, "                         |         | Registered Warrants.....                                    | 90 00        |
| 28, "                         |         | Treasurer of Sacramento County.....                         | 262 75       |
| 29, "                         |         | D. R. Ashley, preferred scrip.....                          | 951 00       |
| 29, "                         |         | J. S. Cohen.....  | 69 75        |
| 31, "                         |         | Registered Warrants.....                                    | 3,533 23     |
| 1856                          |         |   |              |
| Jan. 1, "                     |         | Selover & Sinton. Refunded by late Treasurer                | 31,300 00    |
| 2, "                          |         | Registered Warrants " " " "                                 | 1,275 00     |
| 5, "                          |         | Certificate on preferred scrip.....                         | 260 00       |
| 8, "                          |         | Preferred scrip.....  | 156 00       |
| 10, "                         |         | Preferred scrip.....  | 34 68        |
| 11, "                         |         | Preferred scrip.....  | 66 00        |
| 17, "                         |         | Loss on 155 $\frac{3}{4}$ ozs. gold dust from Merced County | 132 62       |
| 31, "                         |         | Registered Warrants.....                                    | 88,244 37    |
| Feb. 29, "                    |         | Preferred scrip.....  | 467 28       |
| 29, "                         |         | Registered Warrants.....                                    | 57,976 27    |
| March 1, "                    |         | Registered Warrants.....                                    | 7,870 64     |
| 19, "                         |         | Registered Warrants.....                                    | 746 00       |
| Amount carried forward, - - - |         |   | \$407,385 84 |

HENRY BATES, *State Treasurer.*

Cr.

|                             |                       |                                 |                    |              |
|-----------------------------|-----------------------|---------------------------------|--------------------|--------------|
| Amount brought forward..... |                       |                                 |                    | \$190,877 66 |
| Nov. 1,                     | By amount received of | Treasurer of                    | San Joaquin Co..   | 12,138 29    |
| Nov. 12,                    | do                    | do                              | Plumas Co.....     | 3,082 05     |
| Nov. 13,                    | do                    | do                              | Alameda Co.....    | 4,650 00     |
| Nov. 27,                    | do                    | do                              | Mariposa Co.....   | 4,630 44     |
| Dec. 4,                     | do                    | do                              | Los Angeles Co..   | 5,935 49     |
| Dec. 8,                     | do                    | do                              | Sacramento Co...   | 8,986 60     |
| Dec. 29,                    | do                    | California Land Commissioners.. |                    | 53 12        |
| 1856.                       |                       |                                 |                    |              |
| Jan. 2,                     | do                    | Treasurer of                    | Trinity Co.....    | 7,691 31     |
| Jan. 5,                     | do                    | do                              | Sacramento Co...   | 15,900 75    |
| Jan. 5,                     | do                    | do                              | Napa Co.....       | 4,131 49     |
| Jan. 5,                     | do                    | do                              | Santa Clara Co...  | 2,691 47     |
| Jan. 7,                     | do                    | do                              | Shasta Co.....     | 5,138 70     |
| Jan. 7,                     | do                    | do                              | Merced Co.....     | 1,630 25     |
| Jan. 7,                     | do                    | do                              | Sutter Co.....     | 3,110 05     |
| Jan. 8,                     | do                    | do                              | Placer Co.....     | 8,003 75     |
| Jan. 8,                     | do                    | do                              | Yuba Co.....       | 14,771 24    |
| Jan. 9,                     | do                    | do                              | Marin Co.....      | 1,112 20     |
| Jan. 9,                     | do                    | do                              | Santa Cruz Co...   | 1,614 12     |
| Jan. 9,                     | do                    | do                              | Yolo Co.....       | 4,200 71     |
| Jan. 9,                     | do                    | do                              | Solano Co.....     | 5,035 04     |
| Jan. 9,                     | do                    | do                              | Calaveras Co....   | 4,061 30     |
| Jan. 9,                     | do                    | do                              | Alameda Co.....    | 1,356 11     |
| Jan. 10,                    | do                    | do                              | San Joaquin Co..   | 3,780 05     |
| Jan. 10,                    | do                    | do                              | San Diego Co....   | 1,327 46     |
| Jan. 10,                    | do                    | do                              | Monterey Co.....   | 3,032 22     |
| Jan. 10,                    | do                    | do                              | Stanislaus Co....  | 1,770 24     |
| Jan. 12,                    | do                    | do                              | Tuolumne Co....    | 9,797 78     |
| Jan. 12,                    | do                    | do                              | San Bernardino Co  | 602 81       |
| Jan. 17,                    | do                    | do                              | Sonoma Co.....     | 3,712 76     |
| Jan. 19,                    | do                    | do                              | Nevada Co.....     | 13,672 17    |
| Jan. 22,                    | do                    | do                              | Amador Co.....     | 5,652 56     |
| Jan. 22,                    | do                    | do                              | Contra Costa Co..  | 3,332 29     |
| Jan. 26,                    | do                    | do                              | Yolo Co.....       | 48 00        |
| Jan. 26,                    | do                    | do                              | San Luis Obispo Co | 880 13       |
| Feb. 2,                     | do                    | do                              | Butte Co.....      | 13,785 28    |
| Feb. 12,                    | do                    | do                              | Colusi Co.....     | 2,475 79     |
| Feb. 15,                    | do                    | do                              | San Francisco Co.  | 55,224 23    |
| Feb. 18,                    | do                    | do                              | Sacramento Co...   | 3,732 20     |
| Feb. 29,                    | do                    | do                              | Tulare Co.....     | 723 21       |
| Mar. 1,                     | do                    | do                              | Sierra Co.....     | 10,624 18    |
| Mar. 26,                    | do                    | do                              | Siskiyou Co.....   | 4,133 36     |
| April 4,                    | do                    | do                              | San Joaquin Co..   | 4,120 48     |
| April 7,                    | do                    | do                              | Mariposa Co.....   | 10,123 07    |

Amount carried forward..... \$ 463,352 41



DR. GENERAL FUND *in Account with*

|          |         |   |              |
|----------|---------|---|--------------|
| 1856.    |         | Amount brought forward.....   | \$407,385 84 |
| Mar. 19, | To Paid | Temporary State Loan, 3 per cent. bond<br>No. 296.....              | 225 00       |
|          | "       | Interest on same.....   | 326 70       |
| 26,      | "       | Registered Warrants.....  | 762 66       |
| 31,      | "       | State Library Fund.....   | 400 00       |
|          | "       | Loss on 306 $\frac{1}{4}$ ozs. gold dust from Siskiyou Co..         | 61 88        |
| April 4, | "       | Registered Warrants.....  | 3,964 25     |
| 7,       | "       | Registered Warrants . . . . .                                       | 15,829 79    |
|          | "       | Registered Warrants .....   | 16,501 65    |
|          | "       | Transferred, temporarily, 10 pr. cent Interest<br>Fund of 1855..... | 33,377 27    |
| 19,      | "       | Registered Warrants.....  | 551 75       |
| May 16,  | "       | Registered Warrants.....  | 1,898 33     |
| June 5,  | "       | Treasurer of Sacramento County Warrants<br>received for taxes.....  | 3,202 02     |
|          | "       | Balance .....   | 39,418 49    |
|          |         |   | <hr/>        |
|          |         |   | \$523,905 63 |

DR. INTEREST FUND OF 1851 *in Account with*

|          |        |  |              |
|----------|--------|--|--------------|
| 1855.    |        |  |              |
| Oct. 30, | To Sum | Remitted to New York to pay interest due Jan-<br>uary 1, 1856, and Ex.....   | \$ 7,000 00  |
| Oct. 30, | "      | Transferred temporarily to interest fund of 1852<br>for deficiency of that fund to meet interest due<br>January 1, 1856..... | 14,707 69    |
| 1856.    |        |  |              |
| April 7, | "      | Deposited with Palmer, Cook & Co. for interest<br>due in New York, July 1 .....  | 7,210 00     |
| July 1,  | "      | Balance .....  | 32,714 03    |
|          |        |  | <hr/>        |
|          |        |  | \$ 61,631 72 |

HENRY BATES, *State Treasurer.*

CR.

1856.

|           |    |   |               |
|-----------|----|---|---------------|
|           |    | Amount brought forward.....                       | \$463,352 41  |
| April 18, | By | Amount received of Treasurer of Santa Clara Co... | 1,490 74      |
| April 22, | do | do Placer Co.....                                 | 4,244 66      |
| April 22, | do | do Calaveras Co.....                              | 5,288 33      |
| April 22, | do | do Yuba Co.....                                   | 4,692 47      |
| May 1,    | do | do Tuolumne Co....                                | 9,449 82      |
| May 10,   | do | do El Dorado Co....                               | 18,440 46     |
| May 10,   | do | Sureties of Cyrus E. Rowe....                     | 1,900 00      |
| May 10,   | do | District Attorney of Klamath Co                   | 1,991 77      |
| June 5,   | do | Treasurer of Sacramento Co....                    | 11,939 40     |
| June 10,  | do | do Los Angeles Co..                               | 1,115 57      |
|           |    |   | <hr/>         |
|           |    |   | \$ 523,905 63 |

1856.

July 1, By balance in fund..... \$ 39,418 49.

1856.

Dec. 24, Balance in fund..... \$ 73,933 29

HENRY BATES, *State Treasurer,*

CR.

July 1, By amount of Receipts (See Tabular Statement)..... \$ 61,631 72

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\$ 61,631 72

1856.

July 1, By balance in fund..... \$ 32,714 03

Dr. INTEREST FUND of 1852, in Account with

1855.

|           |    |     |  |              |
|-----------|----|-----|--|--------------|
| July, 18, | To | Sum | Transferred to School Fund per order Controller                        | \$ 16,240 00 |
| Oct. 30,  | "  |     | Remitted to New York to pay interest due January 1, 1856. . . . .      | 48,000 00    |
| Dec. 4,   | "  |     | Returned in part amount borrowed Sinking Fund of 1851, and Ex. . . . . | 4,379 71     |

1856.

|          |   |  |   |                     |
|----------|---|--|---|---------------------|
| Jan. 15, | " |  | Transferred to School Fund per order Controller                       | 16,240 00           |
| Feb. 2,  | " |  | Returned balance borrowed from Interest Fund of 1851. . . . .         | 14,707 69           |
| April 7, | " |  | Deposited with Palmer, Cook & Co. to pay interest due July 1. . . . . | 49,440 00           |
| June 30, | " |  | Transferred to School Fund per order Controller                       | 16,240 00           |
|          |   |  |   | <u>\$165,247 40</u> |

|         |   |                   |              |
|---------|---|-------------------|--------------|
| July 1, | " | Balance . . . . . | \$ 11,352 93 |
|---------|---|-------------------|--------------|

Dr. INTEREST FUND of 1855, in Account with

1855.

|          |    |     |  |              |
|----------|----|-----|--|--------------|
| Oct. 30, | To | Sum | Deposited with Palmer, Cook & Co. to pay interest due in New York January 1, 1856, and Ex. . . . . | \$ 31,000 00 |
| Dec. 14, | "  |     | Returned in part to Sinking Fund of 1851 for amount borrowed. . . . .                              | 3,500 00     |

1856.

|          |   |  |   |                     |
|----------|---|--|---|---------------------|
| Feb. 6,  | " |  | Returned in part to Sinking Fund of 1851 for amount borrowed. . . . .             | 12,000 00           |
| April 7, | " |  | Returned balance. . . . .   | 12,537 09           |
| April 7, | " |  | Deposited with Palmer, Cook & Co. to pay interest due in New York July 1. . . . . | 31,930 00           |
| July 1,  | " |  | Balance . . . . .   | 2,255 59            |
|          |   |  |   | <u>\$ 93,222 68</u> |

HENRY BATES, *State Treasurer,*

CR.

1856.

|      |    |  |               |
|------|----|--|---------------|
| July | 1, | By amount of Receipts (See Tabular Statement)..... | \$ 153,894 47 |
| July | 1, | By balance overdraw.....                           | \$ 11,352 93  |

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 \$ 165,247 40
HENRY BATES, *State Treasurer,*

CR.

1856.

|      |    |  |              |
|------|----|--|--------------|
| July | 1, | By amount of Receipts (See Tabular Statement)..... | \$ 93,222 68 |
|------|----|--|--------------|

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 \$ 93,222 68

|      |    |                                      |             |
|------|----|--------------------------------------|-------------|
| July | 1, | By balance brought down in fund..... | \$ 2,255 59 |
|------|----|--------------------------------------|-------------|

| Dr.      |                                      | STATE PRISON INTEREST FUND <i>in Account with</i> |                     |
|----------|--------------------------------------|---|---------------------|
| 1855.    |                                      |   |                     |
| July 25, | To Paid twelve bonds \$500 each..... | \$ 6,000 00                                       |                     |
| 1856.    |                                      |   |                     |
| July 1,  | " Balance .....                      | 8,035 28  |                     |
|          |                                      |   | <u>\$ 14,035 28</u> |

| Dr.       |                                     | HOSPITAL FUND <i>in Account with</i> |           |
|-----------|-------------------------------------|--------------------------------------|-----------|
| 1855.     |                                     |                                      |           |
| July 3,   | To Paid Treasurer of Shasta Co..... | \$                                   | 766 37    |
| July 11,  | " of San Francisco Co.....          |                                      | 983 60    |
| July 13,  | " of Butte Co.....                  |                                      | 725 58    |
| July 16,  | " of Placer Co.....                 |                                      | 723 23    |
| July 17,  | " of Los Angeles Co.....            |                                      | 629 18    |
| July 18,  | " of Santa Clara Co.....            |                                      | 620 49    |
| July 28,  | " of Amador Co.....                 |                                      | 208 99    |
| July 30,  | " of Sacramento Co.....             |                                      | 851 37    |
| Aug. 2,   | " of Tuolumne Co.....               |                                      | 414 66    |
| Aug. 11,  | " of Sierra Co.....                 |                                      | 425 82    |
| Aug. 31,  | " of Sonoma Co.....                 |                                      | 330 97    |
| Oct. 5,   | " of El Dorado Co.....              |                                      | 3,700 62  |
| Oct. 13,  | " of Placer Co.....                 |                                      | 528 94    |
| Nov. 1,   | " of San Joaquin Co.....            |                                      | 518 88    |
| Nov. 12,  | " of Plumas Co.....                 |                                      | 182 54    |
| Nov. 13,  | " of Alameda Co.....                |                                      | 178 17    |
| Nov. 16,  | " of Siskiyou Co.....               |                                      | 356 31    |
| 1856.     |                                     |                                      |           |
| Jan. 9,   | " of Marin Co.....                  |                                      | 135 18    |
| Jan. 11,  | " of San Diego Co.....              |                                      | 212 17    |
| Jan. 12,  | " of San Bernardino Co.. .....      |                                      | 25 00     |
| Jan. 19,  | " of Nevada Co.....                 |                                      | 1,128 23  |
| Jan. 22,  | " of Contra Costa Co.....           |                                      | 635 08    |
| Jan. 29,  | " of San Luis Obispo Co.....        |                                      | 40 61     |
| March 1,  | " of Trinity Co.....                |                                      | 427 87    |
| March 6,  | " of Yuba Co.....                   |                                      | 1,081 93  |
| March 6,  | " of Yolo Co.....                   |                                      | 184 00    |
| April 19, | " of Mariposa Co.....               |                                      | 455 20    |
| May 16,   | " of Stanislaus Co.....             |                                      | 36 43     |
| July 1,   | Balance .....                       |                                      | 3,934 10  |
|           |                                     |                                      | <hr/>     |
|           |                                     | \$                                   | 20,441 52 |

HENRY BATES, *State Treasurer,*

Cr.

1856.

|      |    |  |                     |
|------|----|--|---------------------|
| July | 1, | By amount of Receipts (See Tabular Statement)..... | \$ 14,035 28        |
|      |    |  | <u>\$ 14,035 28</u> |

1856.

|      |    |                         |             |
|------|----|-------------------------|-------------|
| July | 1, | By balance in fund..... | \$ 8,035 28 |
|------|----|-------------------------|-------------|

HENRY BATES, *State Treasurer,*

Cr.

1856.

|      |    |  |              |
|------|----|--|--------------|
| July | 1, | By amount of Receipts (See Tabular Statement)..... | \$ 20,441 52 |
|------|----|--|--------------|

1856.

|      |    |                         |                     |
|------|----|-------------------------|---------------------|
|      |    |                         | <u>\$ 20,441 52</u> |
| July | 1, | By balance in fund..... | \$ 3,934 10         |

|         |   |           |
|---------|---|-----------|
| Dr.     | INSANE ASYLUM FUND <i>in Account with</i> |           |
| 1856.   |   |           |
| July 1, | To Balance .....                          | \$ 106 72 |
|         |   | <hr/>     |

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|          |   |             |
|----------|---|-------------|
| Dr.      | STATE MARINE HOSPITAL FUND <i>in Account with</i> |             |
| 1855.    |   |             |
| Nov. 30, | To Controller's order.....                        | \$ 5,370 42 |
|          |   | <hr/>       |

HENRY BATES, *State Treasurer.*

CR.

1856.

|      |    |  |    |        |
|------|----|--|----|--------|
| July | 1, | By amount of Receipts (See Tabular Statement)..... | \$ | 106 72 |
|------|----|--|----|--------|

1856.

|      |    |                         |    |        |
|------|----|-------------------------|----|--------|
| July | 1, | By balance in fund..... | \$ | 106 72 |
|------|----|-------------------------|----|--------|

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HENRY BATES, *State Treasurer,*

CR.

1855.

|      |    |                         |    |          |
|------|----|-------------------------|----|----------|
| July | 1, | By balance in fund..... | \$ | 5,370 42 |
|------|----|-------------------------|----|----------|



DR. SCHOOL FUND *in Account with*

1855.

|            |  |           |
|------------|--|-----------|
| July 3,    | To Paid Treasurer of Shasta Co . . . . . | \$ 686 31 |
| July 9, "  | " of Klamath Co. . . . .                 | 49 57     |
| July 11, " | " of San Francisco Co. . . . .           | 4,856 90  |
| July 11, " | " of Contra Costa Co. . . . .            | 566 54    |
| July 13, " | " of Butte Co. . . . .                   | 291 53    |
| July 16, " | " of Humboldt Co. . . . .                | 219 53    |
| July 16, " | " of Nevada Co. . . . .                  | 655 06    |
| July 17, " | " of Santa Cruz Co. . . . .              | 500 44    |
| July 17, " | " of Yolo Co . . . . .                   | 394 22    |
| July 17, " | " of Solano Co. . . . .                  | 677 49    |
| July 17, " | " of Monterey Co. . . . .                | 740 04    |
| July 17, " | " of Napa Co. . . . .                    | 411 92    |
| July 17, " | " of San Diego Co. . . . .               | 116 85    |
| July 17, " | " of Los Angeles Co. . . . .             | 1,405 72  |
| July 18, " | " of Yuba Co. . . . .                    | 429 62    |
| July 18, " | " of Santa Clara Co. . . . .             | 1,908 52  |
| July 23, " | " of Amador Co. . . . .                  | 509 88    |
| July 24, " | " of Alameda Co. . . . .                 | 681 03    |
| July 27, " | " of Tuolumne Co. . . . .                | 577 16    |
| July 28, " | " of San Joaquin Co. . . . .             | 1,172 03  |
| July 30, " | " of San Bernardino Co. . . . .          | 474 47    |
| Aug. 2, "  | " of Sacramento Co. . . . .              | 2,348 76  |
| Aug. 11, " | " of Siskiyou Co. . . . .                | 109 76    |
| Aug. 11, " | " of Sierra Co. . . . .                  | 223 07    |
| Aug. 17, " | " of Trinity Co. . . . .                 | 49 37     |
| Aug. 31, " | " of Sonoma Co. . . . .                  | 1,205 08  |
| Aug. 31, " | Sarah Staples per Special Act. . . . .   | 400 00    |
| Sept. 4, " | Treasurer of Mariposa Co. . . . .        | 142 81    |
| Oct. 4, "  | " of Sutter Co. . . . .                  | 92 06     |
| Oct. 5, "  | " of Stanislaus Co. . . . .              | 95 60     |
| Oct. 5, "  | " of El Dorado Co. . . . .               | 1,410 45  |
| Oct. 13, " | " of Placer Co. . . . .                  | 354 09    |

1856.

|           |                                |          |
|-----------|--------------------------------|----------|
| Jan. 1, " | " of San Francisco Co. . . . . | 5,928 00 |
| Jan. 5, " | " of Sacramento Co. . . . .    | 2,148 00 |
| Jan. 5, " | " of Napa Co. . . . .          | 572 40   |
| Jan. 5, " | " of Santa Clara Co. . . . .   | 1,933 20 |
| Jan. 7, " | " of Shasta Co. . . . .        | 396 58   |
| Jan. 7, " | " of Sutter Co. . . . .        | 222 00   |
| Jan. 7, " | " of Placer Co. . . . .        | 193 20   |
| Jan. 8, " | " of Yuba Co. . . . .          | 597 60   |
| Jan. 9, " | " of Marin Co. . . . .         | 336 13   |
| Jan. 9, " | " of Solano Co. . . . .        | 769 20   |
| Jan. 9, " | " of Yolo Co. . . . .          | 524 40   |

Amount brought forward . . . . . \$ 37,376 76

HENRY BATES, *State Treasurer.*C<sub>R</sub>.

1856

July 1, By amount of Receipts (See Tabular Statement)..... \$ 95,416 25

Amount carried forward ..... \$95,416 25

SCHOOL FUND *in Account with*

1856

|                             |   |                            |              |
|-----------------------------|---|----------------------------|--------------|
| Amount carried forward..... |   |                            | \$ 37,376 76 |
| Jan. 9, "                   | " | of Alameda Co.....         | 808 80       |
| Jan. 9, "                   | " | of Calaveras Co.....       | 632 40       |
| Jan. 11, "                  | " | of Santa Cruz Co.....      | 382 80       |
| Jan. 11, "                  | " | of San Joaquin Co.....     | 1,330 80     |
| Jan. 11, "                  | " | of Monterey Co.....        | 1,191 60     |
| Jan. 11, "                  | " | of Tuolumne Co.....        | 970 80       |
| Jan. 11, "                  | " | of San Bernardino Co.....  | 482 40       |
| Jan. 17, "                  | " | of Sonoma Co.....          | 1,489 20     |
| Jan. 18, "                  | " | of Nevada Co.....          | 912 00       |
| Jan. 22, "                  | " | of Amador Co.....          | 1,038 00     |
| Jan. 22, "                  | " | of Contra Costa Co.....    | 432 00       |
| Jan. 29, "                  | " | of Los Angeles Co.....     | 1,826 40     |
| Jan. 29, "                  | " | of San Luis Obispo Co..... | 776 09       |
| Feb. 2, "                   | " | of Butte Co.....           | 330 00       |
| Feb. 12, "                  | " | of Colusi Co.....          | 34 80        |
| Feb. 29, "                  | " | of Tulare Co.....          | 184 56       |
| Mar. 1, "                   | " | of Sierra Co.....          | 147 60       |
| Mar. 22, "                  | " | of Siskiyou Co.....        | 188 40       |
| April 19, "                 | " | of Mariposa Co.....        | 280 80       |
| May 10, "                   | " | of El Dorado Co.....       | 1,455 60     |
| July 1, "                   |   | Balance.....               | 43,144 41    |
|                             |   |                            | <hr/>        |
|                             |   |                            | \$ 95,416 25 |
|                             |   |                            | <hr/>        |

HENRY BATES, *State Treasurer.*

CR.

1856.

Amount brought forward ..... \$ 95,416 25

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895,416 25

1856

July 1, By balance in fund..... \$ 43,144 41

| Dr.       |           | SINKING FUND OF 1851 <i>in Account with</i>  |                      |
|-----------|-----------|--|----------------------|
| 1855.     |           |  |                      |
| Aug. 17,  | To Paid   | Coupons on bonds of 1851.....  | \$ 52 50             |
| Sept. 11, | "         | Redeemed nine bonds of 1851 and interest....   | 4,563 87             |
| Oct. 4,   | "         | Coupons on three bonds of \$500 each...  | 52 50                |
| Oct. 30,  | "         | Loaned temporarily to Interest<br>Fund of 1852.....  | \$4,379 71—          |
| Oct. 30,  | "         | Loaned temporarily to Interest<br>Fund of 1855.....  | 28,037 09— 32,416 80 |
| Dec. 4,   | "         | Redeemed bond of 1851.....   | 500 00               |
| Dec. 4,   | "         | Amount paid by late Treasurer for Exchange<br>on amount remitted by Palmer, Cook & Co.<br>to redeem bonds and pay interest in New<br>York \$509.008 at 3 per cent..... | 15,270 26            |
| 1856.     |           |  |                      |
| Jan. 11,  | "         | Redeemed bonds of 1851.....  | 1,500 00             |
| March 1,  | "         | Redeemed bonds of 1851.....  | 1,000 00             |
| April 7,  | "         | Loaned temporarily to Interest Fund of 1852<br>for deficiency to meet interest.....  | 24,760 39            |
| May 6,    | "         | Redeemed bonds and interest of 1851.....   | 3 075 63             |
| July 1,   | " Balance | .....  | 9,725 54             |
|           |           |  | <hr/>                |
|           |           |  | \$ 92,917 49         |

| Dr.     |                                 | STATE PROPERTY FUND <i>in Account with</i> |       |
|---------|---------------------------------|--|-------|
| 1856.   |                                 |  |       |
| July 1, | To balance carried forward..... | \$   | 26 81 |

| Dr.   |                                 | ESTATES OF DECEASED PERSONS <i>in Account with</i> |       |
|-------|---------------------------------|--|-------|
| 1856. |                                 |  |       |
| July  | 1, To balance carried down..... | \$   | 89 09 |
|       |                                 |  | <hr/> |
|       |                                 | \$   | 39 09 |

HENRY BATES, *State Treasurer,*

Cr.

1856.

July 1, By amount of Receipts (See Tabular Statement)..... \$ 92,917 49

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\$ 92,917 49

1856.

July 1, By balance in fund..... \$ 9,725 54

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HENRY BATES, *State Treasurer,*

Cr.

1855.

July 1, By balance in fund..... \$ 26 81

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\$ 26 81

1856.

July 1, By balance brought down in full..... \$ 26 81

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HENRY BATES, *State Treasurer,*

Cr.

1855.

July 1, By balance..... \$ 89 09

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\$ 89 09

1856.

July 1, By balance in fund..... \$ 89 09

DR. WAR FUND *in Account with*

1855.  
 Nov. 30, To transfer to Military Fund..... \$ 11 67

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DR. LIBRARY FUND *in Account with*

1855.  
 Aug. 2, To Controller's Warrant favor W. H. R. Wood..... \$ 72 50  
 Sept. 3,       do                       do       Lecount & Strong..... 67 00  
 1856.  
 July 1, To balance..... 4,354 33

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\$ 4,493 83

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GOVERNOR'S CONTINGENT FUND *in Account with*

56.  
 April 7, To Controller's order favor J. Neely Johnson..... \$ 418 67

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HENRY BATES, *State Treasurer,*

CR.

1855.

|                                 |    |       |
|---------------------------------|----|-------|
| July 1, By balance in fund..... | \$ | 11 67 |
|---------------------------------|----|-------|

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HENRY BATES, *State Treasurer,*

CR.

1856.

|  |    |          |
|--|----|----------|
| July 1, By amount of Receipts (See Tabular Statement)..... | \$ | 4,493 83 |
|--|----|----------|

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|  |    |          |
|--|----|----------|
|  | \$ | 4,493 83 |
|--|----|----------|

1856.

|  |    |          |
|--|----|----------|
| July 1, By balance brought down in fund..... | \$ | 4,354 33 |
|--|----|----------|

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HENRY BATES, *State Treasurer,*

CR.

1855.

|                         |    |        |
|-------------------------|----|--------|
| July 1, By balance..... | \$ | 418 67 |
|-------------------------|----|--------|

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DR.

MILITARY FUND *in Account with*

1856.

|      |     |    |   |    |           |
|------|-----|----|---|----|-----------|
| Feb. | 29, | To | paid on order of President of Military Board..... | \$ | 70 50     |
| May  | 16, | do | do do .....                                       |    | 288,00    |
| May  | 16, | do | do do .....                                       |    | 50 00     |
| May  | 16, | do | do do .....                                       |    | 22 00     |
| July | 1,  | To | balance.....                                      |    | 192 64    |
|      |     |    |   |    | <hr/>     |
|      |     |    |   |    | \$ 623 14 |

HENRY BATES, *State Treasurer,*

Cr.

1856.

|      |   |    |        |
|------|---|----|--------|
| July | 1, By amount of Receipts (See Tabular Statement)..... | \$ | 623 14 |
|------|---|----|--------|

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|    |        |
|----|--------|
| \$ | 623 14 |
|----|--------|

1856.

|      |                            |    |        |
|------|----------------------------|----|--------|
| July | 1, By balance in fund..... | \$ | 192 64 |
|------|----------------------------|----|--------|

## TRIAL BALANCE.

1856.

|      |    |                                      |               |
|------|----|--------------------------------------|---------------|
| July | 1, | Balance of Cash.....                 | \$ 132,644 10 |
|      |    | Interest Fund of 1852 overdrawn..... | 11,352 93     |

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 \$ 143,997 03

## TRIAL BALANCE.

1856.

|      |    |                                  |    |        |            |
|------|----|----------------------------------|----|--------|------------|
| July | 1. | Balance in General Fund.....     | \$ | 39,418 | 49         |
|      | do | Interest Fund of 1851.....       |    | 32,714 | 03         |
|      | do | Interest Fund of 1855.....       |    | 2,255  | 59         |
|      | do | State Prison Interest Fund.....  |    | 8,035  | 28         |
|      | do | Hospital Fund.....               |    | 3,934  | 10         |
|      | do | Insane Asylum Fund.....          |    | 106    | 72         |
|      | do | School Fund.....                 |    | 43,144 | 41         |
|      | do | Sinking Fund of 1851.....        |    | 9,725  | 54         |
|      | do | State Property Fund.....         |    | 26     | 81         |
|      | do | Estates of deceased persons..... |    | 89     | 09         |
|      | do | Library Fund.....                |    | 4,354  | 33         |
|      | do | Military Fund.....               |    | 192    | 64         |
|      |    |                                  |    | <hr/>  |            |
|      |    |                                  |    | \$     | 143,997 03 |



## FOREIGN MINERS' LICENSES

*During the year 1856.*

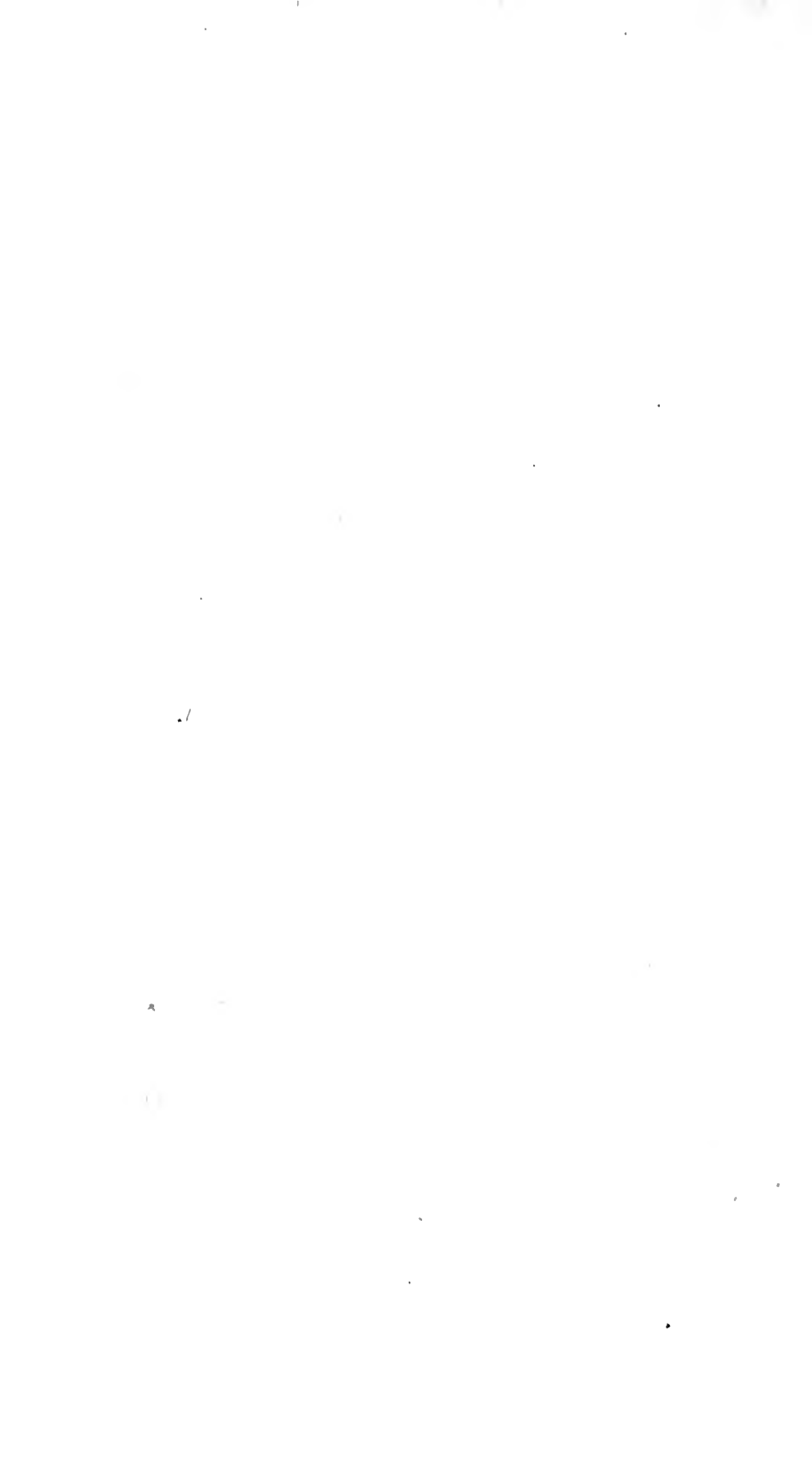
| <i>Counties.</i> |        | <i>No.</i> | <i>Counties.</i> |        | <i>No.</i> |
|------------------|--------|------------|------------------|--------|------------|
| El Dorado,       | at \$4 | 18,300     | El Dorado,       | at \$6 | 7,000      |
| Placer,          | "      | 11,500     | Placer,          | "      | 3,000      |
| Nevada,          | "      | 8,000      | Nevada,          | "      | 2,000      |
| Tuolumne,        | "      | 6,000      | Tuolumne,        | "      | 4,000      |
| Klamath,         | "      | 1,000      | Klamath,         | "      | 2,000      |
| Trinity,         | "      | 3,500      | Trinity,         | "      | 1,000      |
| Sacramento,      | "      | 1,000      | Sacramento,      | "      | ....       |
| Siskiyou,        | "      | 1,000      | Siskiyou,        | "      | ....       |
| Butte,           | "      | 7,500      | Butte,           | "      | 2,500      |
| Calaveras,       | "      | 8,500      | Calaveras,       | "      | 4,000      |
| Shasta,          | "      | 2,500      | Shasta,          | "      | 1,000      |
| Mariposa,        | "      | 3,500      | Mariposa,        | "      | 4,000      |
| Sierra,          | "      | 1,000      | Sierra,          | "      | 2,000      |
| Yuba,            | "      | 4,500      | Yuba,            | "      | 2,000      |
| Plumas,          | "      | 3,750      | Plumas,          | "      | 1,000      |
| Amador,          | "      | 1,850      | Amador,          | "      | 2,000      |
| Stanislaus,      | "      | 250        | Stanislaus,      | "      | 150        |
| San Joaquin,     | "      | 350        | San Joaquin,     | "      | 150        |
| Tulare,          | "      | 500        | Tulare,          | "      | ....       |
| Merced,          | "      | 500        | Merced,          | "      | 500        |
| Fresno,          | "      | 2,000      | Fresno,          | "      | ....       |
|                  |        | <hr/>      |                  |        | <hr/>      |
|                  |        | 86,500     |                  |        | 38,300     |



## STATEMENT OF EXPENDITURES OUT OF THE STATE TREASURY FROM 1st TO 13th JANUARY, 1857.

| DATE.     | TO WHOM PAID.  | General Fund. | Interest Fund, 1851. | Interest Fund, 1852. | State Prison Interest Fund. | Hospital Fund. | Insane Asylum Fund. | School Fund. | Slaving Fund, 1851. | Estates of Deceased Persons. | Literary Fund. | State Property Fund. | Military Fund. | Interest Fund, 1853. | Interest Fund, 1856. | AMOUNT.      |
|-----------|--|---------------|----------------------|----------------------|-----------------------------|----------------|---------------------|--------------|---------------------|------------------------------|----------------|----------------------|----------------|----------------------|----------------------|--------------|
| 1857.     |  |               |                      |                      |                             |                |                     |              |                     |                              |                |                      |                |                      |                      |              |
| January 8 | Treasurer of El Dorado County....  |               |                      |                      |                             |                |                     | 2,869 35     |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Sacramento "   |               |                      |                      |                             |                |                     | 3,667 95     |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Calaveras "  |               |                      |                      |                             |                |                     | 737 55       |                     |                              |                |                      |                |                      |                      |              |
| " 5       | " Amador "   |               |                      |                      |                             |                |                     | 646 8        |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Shasta "   |               |                      |                      |                             |                |                     | 476 85       |                     |                              |                |                      |                |                      |                      |              |
| " "       | " San Mateo, "   |               |                      |                      |                             |                |                     | 519 75       |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Sutter "   |               |                      |                      |                             |                |                     | 389 49       |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Placer "   |               |                      |                      |                             |                |                     | 450 15       |                     |                              |                |                      |                |                      |                      |              |
| " "       | " San Joaquin "  |               |                      |                      |                             |                |                     | 2,990 55     |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Marin "  |               |                      |                      |                             |                |                     | 51 15        |                     |                              |                |                      |                |                      |                      |              |
| " "       | " San Francisco "  |               |                      |                      |                             |                |                     | 7,839 15     |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Alameda "  |               |                      |                      |                             |                |                     | 1,397 55     |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Napa "   |               |                      |                      |                             |                |                     | 1,947 75     |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Yolo "   |               |                      |                      |                             |                |                     | 625 35       |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Merced "   |               |                      |                      |                             |                |                     | 174 99       |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Tuolumne "   |               |                      |                      |                             |                |                     | 1,633 50     |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Santa Clara "  |               |                      |                      |                             |                |                     | 2,764 70     |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Los Angeles "  |               |                      |                      |                             |                |                     | 2,613 60     |                     |                              |                |                      |                |                      |                      |              |
| " "       | " Monterey "   |               |                      |                      |                             |                |                     | 1,272 15     |                     |                              |                |                      |                |                      |                      |              |
| " "       | Controller's Warrants redeemed....   | 24,490 40     |                      |                      |                             |                |                     |              |                     |                              |                |                      |                |                      |                      |              |
| " "       | Paid Pacific Express Co., to be applied to payment of interest due July 1, in New York, on Interest Fund of 1851, \$5,930 00 |               | 5,189 90             |                      |                             |                |                     |              |                     |                              |                |                      |                |                      |                      |              |
| " "       | Exchange on do, 3 per ct., 150 90  |               |                      |                      |                             |                |                     |              |                     |                              |                |                      |                |                      |                      |              |
| " "       | On Interest Fund of 1852, 48,636 00  |               |                      |                      |                             |                |                     |              |                     |                              |                |                      |                |                      |                      |              |
| " "       | Exchange on do 3 per ct., 1,459 68   |               |                      | 50,095 08            |                             |                |                     |              |                     |                              |                |                      |                |                      |                      |              |
| " "       | On Interest Fund of 1855, 24,560 00  |               |                      |                      |                             |                |                     |              |                     |                              |                |                      |                |                      |                      |              |
| " "       | Exchange on do 3 per ct., 735 00   |               |                      |                      |                             |                |                     |              |                     |                              |                |                      |                | 25,235 00            |                      |              |
| " "       | On Interest Fund of 1856, 42,225 00  |               |                      |                      |                             |                |                     |              |                     |                              |                |                      |                |                      |                      |              |
| " "       | Exchange on do, 1,264 02   |               |                      |                      |                             |                |                     |              |                     |                              |                |                      |                |                      |                      |              |
| " "       | Transferred to Interest Fund of 1852 for deficiency of interest  | 25,056 55     |                      |                      |                             |                |                     |              |                     |                              |                |                      |                |                      | 43,489 02            |              |
| " "       | do to Interest Fund of 1856, do  | 13,673 70     |                      |                      |                             |                |                     |              |                     |                              |                |                      |                |                      |                      |              |
| " "       | do do 1856, do   | 21,228 64     |                      |                      |                             |                |                     |              |                     |                              |                |                      |                |                      |                      |              |
| " "       | Balance,.....  | 60,130 00     | 42,035 72            |                      | 4,407 72                    | 9,318 18       | 106 72              | 1,448 04     | 7,719 61            | 89 09                        | 746 06         | 26 81                | 3,778 74       |                      |                      |              |
|           | Totals, - - -  | 117,845 31    | \$47,216 62          | \$50,095 08          | \$1,417 72                  | \$9,318 18     | \$106 72            | \$32,726 40  | \$7,719 61          | \$89 09                      | \$746 06       | \$26 81              | \$3,778 74     | \$25,235 00          | \$43,489 02          | \$372,824 45 |





## HORTICULTURAL PRODUCTS.—NO. OF TREES.

[illegible]



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IN ASSEMBLY.]

[SESSION OF 1857.

ANNUAL REPORT  
OF THE  
ATTORNEY-GENERAL,  
JANUARY, 1857.

JAMES ALLEN, STATE PRINTER.

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# REPORT.

OFFICE OF THE ATTORNEY GENERAL, CALIFORNIA, }  
December 15th, 1856. }

To His Excellency,

J. NEELY JOHNSON,

Governor of California:

SIR—I have the honor to transmit herewith a copy of the docket which I am required by law to keep, showing the condition of the public business in this department. By this transcript it appears that since I came into office a very considerable number of causes to which the State was a party have been determined in the Supreme Court, and with almost uniform success on the part of the State. In addition to this, a very great amount of labor has been performed in this department in the discharge of various duties devolving by law upon the Attorney General.

I would suggest that the "Act to regulate proceedings in criminal cases" be permitted to remain upon the statute book without further amendment. Although that Act is somewhat imperfect in its details, its meaning and general interpretation have been so fully and frequently determined by the Supreme Court during the present year, that it will rarely occur that judgment will be rendered in a criminal case otherwise than upon the very right and justice of the accusation.

By the recent decision of the Supreme Court in the case of "*The People vs. Applegate*," it is settled that the Supreme Court has not any jurisdiction to determine upon appeal any criminal case not amounting to the grade of felony; it thus results that the Courts of Sessions in the several counties have exclusive, original, and final, jurisdiction of all cases of misdemeanor merely; and from the judgments of these Courts in such cases neither an appeal nor writ of error lies to any tribunal whatsoever for the purpose of correcting them if erroneous. Thus fines amounting in some instances to many thousands of dollars, and imprisonment for long periods of time, may be erroneously awarded against a citizen by the judgments of these Courts of Sessions, and the defendants in such instances are entirely without remedy unless relieved by the interposition of the pardoning power of the Executive. Under

the provisions of our Constitution, as interpreted by the Supreme Court, appellate jurisdiction in these cases cannot be conferred either upon the Supreme Court or upon the District Courts. Inasmuch as the majority of those officers who sit in the Courts of Sessions are, in the most instances, unlearned in the law; and inasmuch as the jurisdiction to try and determine these causes must be necessarily original and final in the same tribunal, the safety of the citizen and the proper administration of criminal justice would seem to require that such an anomalous jurisdiction should rather be vested in those Courts which may be supposed to bring to the consideration of the case the greater amount of learning, ability and experience; I would therefore recommend that a law be enacted vesting the District Courts with the exclusive jurisdiction to try and determine all indictments for misdemeanor in cases where the punishment may be by law greater than five hundred dollars, five or six months' imprisonment, or both; and that the proceedings in relation to the finding and transferring of indictments in such cases be the same as are now provided by law as to the finding and transferring of indictments for murder, manslaughter and arson.

On the 9th day of May, last, I gave to the County Assessor of San Francisco County, an official opinion, a copy of which will be found in the appendix to this report marked "A."

On the 2d of July last, I gave to the Commissioner of Immigrants an official opinion, a copy of which, (marked "B") is also to be found in the appendix. This opinion is to the effect that the "Act to Discourage the Immigration to this State of persons who cannot become citizens thereof," passed April 28th, 1855, is contrary to the Constitution of the United States, and therefore void; in accordance with this opinion the Commissioner has ceased all proceedings under this law.

On the 5th day of July last, I gave to the Controller of State an official opinion upon the question of the receivability or non-receivability of evidences of the civil indebtedness of the State in payment of State taxation imposed for ordinary purposes. This opinion may be found in the appendix marked "C." The principle that the creditor should receive in payment of his dues the evidence of his own indebtedness is one which is certainly just and honest in its application to the transactions of Governments as well as individuals; and while the State has the unquestionable power and prerogative to exact gold and silver from the tax-paying citizen even while that citizen is an ascertained and acknowledged creditor of the State to an amount equal to that demanded of him by the State, the intention to exert this prerogative by the Sovereign ought to appear clearly upon a full review of the provisions of the Revenue Laws as well as of the other statutes directly or indirectly affecting the question. The ninety-second section of the Revenue Law of 1854, provides *in totidem verbis*, that evidences of the civil indebtedness of the State *may be received* in payment of taxes. This it would seem ought to be sufficient and conclusive upon the proposition; but when we come to look at the analogy of this Act with others, unrepealed upon the statute book, we find that this is but a part of the general system of laws upon the subject of revenue existing in this State. Thus we find provisions requiring an oath to be taken by the accounting officer, that he delivers over to the Treasurer of State the identical warrant or warrants which he has received from the tax-payers. But it is contended by some, with whose views I have the misfortune to differ, that the provision contained in the funding law of 1856, to the effect that the State Treasurer shall not redeem any of the outstanding warrants otherwise than by the issuance of bonds therefor, is to be literally construed and so construed as to make such warrants receivable for no other purpose than the purchase and sale of State bonds. A construction of the laws thus resting in the mere verbiage of the Act itself is not deemed safe or proper. "*Qui hæret in litera, hæret in cortice*," is a well known maxim which applies with force against such a construction in this case. It is the intention of the Legislature,

which is to be discovered by construction, and for this purpose the context, the subject matter, the effects and consequences, and the reason and spirit of the law, are, in general, as we are taught, much safer guides than mere verbal criticism. The provision in the funding law of 1856, is not a new one here—it is also to be found in the funding laws of other years. A cursory examination of other statutes in force would seem to be sufficient to satisfy any one that such an interpretation of this single clause, in the law of 1856, literally adhering to the mere words of the clause, must operate so as to practically withdraw from the market, and from sale, the rich domain of the State, known as the Swamp and Overflowed Lands, and defeat the well-known policy of the reduction of those lands to private ownership and actual cultivation; by such a construction too, the sources of supply for a system of general education and common schools are almost entirely diverted; and other cherished purposes of Government of the most vital and important character are frustrated and disappointed. The limits to which this report must be confined prevent me from presenting in detail other arguments and views which led me to the conviction that the construction which I have given to the law in this particular is correct, and thus much has been offered only because this opinion has been the subject of criticism by those with whose views the opinion has the misfortune to conflict.

During the present year I instituted legal proceedings for the purpose of testing the validity and Constitutionality of the outstanding indebtedness of the State. Those proceedings have terminated by a decision of the Supreme Court that the outstanding debt of the State is unconstitutional and void.

I have not yet received reports from the several District Attorneys, as to the condition of the public business in their respective offices. I am well satisfied, however, in some instances from personal observation, and in others from reliable information, that their public duties have been energetically, faithfully, and very successfully discharged, and that the interests of the State have not suffered in their hands.

All of which is respectfully submitted,

WILLIAM T. WALLACE,

Attorney-General of California.



## APPENDIX.

(A)

ATTORNEY GENERAL'S OFFICE, }  
May 9th, 1856. }

JAMES W. STILLMAN, Esq.,

County Assessor of San Francisco County :

SIR:—Where a loan is made and a mortgage is given to secure the loan, it is your duty, under the Revenue law to assess the mortgaged property (if real estate) to the mortgagor at its cash value, irrespective of the fact that it is mortgaged ; and it is your duty to assess the amount of money so loaned, against the lender, without respect to the fact that it is secured by mortgage on real estate which is already assessed to the mortgagor at its full value. When a loan is made and a mortgage is given to secure it by passing the possession of any moveable property or securities, you should assess the loan and then assess the value of the personal property, (without regard to the assessment of the loan,) and both assessments should be made against the lender of the money. This is unquestionably the meaning and intention of the Revenue law of our State, and it is in consonance with reason and justice. Any other rule would discriminate in favor of the usurer and money lender, and the wealthy capitalist, and against those who with smaller means are following the ordinary pursuits of life.

I understand that it has not been heretofore customary to tax loans of money in San Francisco, against the lenders. I have seen the opinion of one of my predecessors, upon which it is said that the custom has been adopted. I do not think

that the opinion is susceptible of such a construction, and if it were otherwise, I should regard it as manifestly erroneous.

You will, therefore, make the assessments in accordance with the above views.

Very respectfully,

Your obt. servant,

WILLIAM T. WALLACE,

Attorney General of California.

(B)

OFFICE OF THE ATTORNEY GENERAL, }  
July 2d, 1856, }

ALEXANDER G. ABELL, ESQ.,

Commissioner of Immigrants.

SIR:—Upon my return home yesterday I found your letter of the 27th June, requesting my opinion as to the constitutionality of the Act of the Legislature of this State entitled "An Act to discourage the immigration to this State of persons who cannot become citizens thereof." The Act imposes a heavy tax upon persons immigrating to this State *who cannot become citizens thereof*. The want of capacity in the persons thus sought to be taxed to become citizens does not affect the question now under consideration—it is a question of *power*—not of *policy*. If the power to tax the immigrant foreigner exists at all as a portion of State sovereignty it is certainly not affected by the *status* of the person taxed as to his capacity to become a citizen of the State. The existence of a *police power* in the State Government is not to be questioned, but its limit and extent are well defined, and its consideration has no applicability in this connection. Indeed the question and the principles of law applicable to its solution were, after repeated arguments, determined by the Supreme Court of the United States in the celebrated cases known as the "Passenger Cases," which were decided together, and are to be found in 7th Howard's Reports. And however the weight of the decision of that Court in those cases may have been lessened by the fact that its distinguished Chief Justice and three of his learned associates dissented, that decision has since met the approbation of the Bench and Bar generally, and at an early day in the judicial history of this State its principles received the unqualified approval of the Supreme Court of California.

The result of these authorities is, that the law in question which seeks to impose a tax upon passengers of a ship from a foreign port is an attempted *regulation of foreign commerce*, within the meaning of the third subdivision of the eighth section of the first article of the Constitution of the United States, and is therefore *void*. I do not deem it necessary to enter into an extended discussion of this question, but will merely add that my own views, irrespective of these authorities, lead me to the same conclusion.

Very respectfully,

Your obedient servant,

WILLIAM T. WALLACE,

Attorney General of California.

ATTORNEY GENERAL'S OFFICE, }  
 July 5th, 1856. }

HON. G. W. WHITMAN,

Controller of State :

SIR—I have received your letter of the 3d inst., in which you request my opinion as to whether or not evidences of civil indebtedness of this State are receivable in payment of assessments for ordinary purposes of State taxation.

There can be no doubt that the interest tax provided for in the first section of the Revenue law of 1854; the six cents tax provided for in the sixth section of the Funding law of 1855, and the ten cents tax provided for in the sixth section of the Funding law of the present year, should be paid in legal coin of the United States, or in foreign coin at the value fixed upon it by the laws of the Federal Government, or in gold dust at its prescribed value. The purpose for which this taxation is imposed would be frustrated by any other construction of the statute.

But I suppose that other considerations of a very different nature obtain in relation to the collection of the revenue for the ordinary purposes of State Government.

By the ninety-second section of the Revenue law of 1854, (which has never been repealed or modified by express enactment or necessary implication, so far as I am aware,) it is provided that evidences of civil indebtedness of the State *may be received* in payment of State taxes; by the fifth section of the Funding law of 1856, it is enacted that the State Treasurer shall not liquidate or pay any of the warrants or indebtedness of the State, except in the manner in the latter law provided; and the receiving of such warrants or indebtedness in payment of taxes is *not* one of the modes prescribed in that Act.

It seems to me that these statutes do not, upon consideration of the respective purposes of their enactment, necessarily conflict; at all events, they should be so construed as to permit each to have force so far as it consistently can do so. The Collector of Taxes is required by the Revenue law to receive the warrants in payment of taxes; the State Treasurer is *forbidden* to liquidate any warrants except in a prescribed method. I do not think that when a warrant is received by the Collector of Taxes, it amounts to a liquidation of such warrants by the *State Treasurer*, within the prohibition of the Funding law of 1856. When the warrant is paid to the Collector of Taxes, it *then* becomes liquidated—it becomes the property of the State—the *identical* warrant so liquidated is required to be paid to the State Treasurer, who thus becomes *not the liquidator*, but the mere depository of the warrant for ulterior fiscal purposes. This liquidation occurs under the Revenue law of 1854 *before* the warrant reaches the hand of the State Treasurer, without his active participation, and even without his knowledge.

Similar instances of the liquidation of State indebtedness occur in the purchase and sale of Swamp and Overflowed Lands, under the Act of 1855; then the warrants are paid to the County Treasurer, who is required to deliver them to the Treasurer of State; but it cannot be doubted that the warrants become the property of the State when they reach the custody of the County Treasurer. It is then that the liquidation takes place.

I think that the fifth section of the law of 1856 was intended to operate upon the funds then in the Treasury, or which might thereafter be actually received

there, and to prevent the application of such funds to the payment of indebtedness, except in the manner which is pointed out in the Act itself.

It is known that it had been theretofore the practice of the Treasury Department to pay warrants in the order of their registration, and I think that this section was intended to abolish all former rules as to the order of payment of warrants, and to establish a new method of procedure, and that it had no other purpose. It was, in fact, a mere Treasury regulation. It was not intended to prevent the payment for Swamp and Overflowed Lands being made in Controller's warrants; neither was it designed (nor has it the effect, as is supposed by some persons,) to interfere with the purchase of *School Lands* and payments therefor in evidences of State indebtedness, and I am of the opinion that all evidences of the civil indebtedness of the State, chargeable to the General Fund, are receivable in payment of that portion of State taxation which is imposed for ordinary purposes.

Very respectfully,

Your obt. servant,

WILLIAM T. WALLACE,

Attorney General.

## TRANSCRIPT OF DOCKETS OF THE ATTORNEY-GENERAL.

| TITLE OF CAUSE.   | Judgment of Inferior Court.  | Judgm't of Supreme Court.   | REMARKS. |
|---|--|---|----------|
| <p>The People v. James Feeland,<br/> The People v. John Roberts,<br/> The People v. W. S. Kelly,<br/> The People v. William Stonecipher,<br/> The People v. John Wise,<br/> The People v. John Fechily,<br/> The People v. J. R. March,<br/> The People v. Samuel Garrett,<br/> The People v. Jacinto Aio,<br/> The People v. Charles E. Lockwood,<br/> The People v. Taylor,<br/> The People v. McLane,<br/> The People v. George A. Fisher,<br/> The People v. John Williams,<br/> The People v. J. La Fuente,<br/> The People v. John M. Hood,<br/> The People v. Buclna,<br/> The People v. Sellers,<br/> The People v. Diaz,<br/> The People v. Parsons,<br/> The People v. Benson,<br/> The People v. Vanard,</p> | <p>Death,<br/> Death,<br/> Death,<br/> Death,<br/> Death,<br/> Death,<br/> Death,<br/> Death,<br/> Death,<br/> Death,<br/> State Prison,<br/> State Prison,<br/> State Prison,<br/> State Prison,<br/> Death,<br/> State Prison,<br/> State Prison,<br/> State Prison,<br/> State Prison,<br/> Fined \$500.<br/> Death,<br/> State Prison,<br/> State Prison,<br/> State Prison,</p> | <p>Judgment affirmed,<br/> Judgment affirmed,<br/> Judgment affirmed,<br/> Judgment affirmed,<br/> Judgment affirmed,<br/> Judgment affirmed,<br/> Judgment reversed,<br/> Judgment affirmed,<br/> Judgment affirmed,<br/> Judgment affirmed,<br/> Judgment reversed,<br/> Judgment affirmed,<br/> Judgment reversed,<br/> Judgment affirmed,<br/> Judgment reversed,<br/> Judgment affirmed,<br/> Judgment reversed,<br/> Judgment affirmed,<br/> Judgment reversed,<br/> Judgment affirmed,<br/> Judgment reversed,<br/> Judgment affirmed,<br/> Judgment reversed,<br/> Judgment modified,</p> |          |

The People v. Cottle,  
The People v. Cryder,  
The People v. Cryder,

Death,  
State Prison,  
State Prison,  
Judgment reversed,  
Judgment affirmed,  
Judgment affirmed,

The People v. The Town of Nevada,

{ Judgment sustain-  
ing the validity of  
the incorporation  
of the Town of  
Nevada. }

Judgment reversed,

Jesse Carothers v. The State of Cali-  
fornia,

{ Judgment against  
the State for  
§72,518. }

Judgment reversed,

Jno. W. Ross v. G. W. Whitman,

{ That the Board of  
Examiners was  
legally created. }

Judgment affirmed,

The People of the State v J. Neely  
Johnson, Governor, D. P. Doug-  
lass, Secretary of State, and J. A  
Brewster, Surveyor-General.

{ That the outstand-  
ing debt of the  
State is invalid,  
for the reason  
that it was creat-  
ed in violation of  
the Constitution. }

Judgment affirmed,

This case was conducted by my predecessor, Hon.  
J. R. McConnell.

I found the judgment against the State existing  
when I came into office, and I caused an appeal  
to be taken by the State.

This was a suit brought to test the validity of the  
law creating a Board of Examiners of Claims  
against the State, consisting of the Governor, the  
Secretary of State, and the Attorney-General.  
The validity of the law was established by the  
decision of the Supreme Court.

This was a bill filed by the Attorney-General  
against the defendants, enjoining them from cer-  
tain proceedings, under an Act of the Legisla-  
ture authorizing the construction of a wagon  
road in El Dorado County. The injunction was  
made perpetual, and the outstanding debt of the  
State was declared unconstitutional. The suit  
was an amicable one, and designed to test this  
question.



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IN ASSEMBLY.]

[EIGHTH SESSION.]

ANNUAL REPORT  
OF THE  
SURVEYOR - GENERAL,  
FOR 1856.

[JAMES ALLEN, STATE PRINTER.]

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# CONTENTS.

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## I. STATE LANDS.

1. School Lands
2. School Land Warrant Locations for 1856.
3. Swamp and Overflowed Lands and Returns.

## II. IMMIGRANT WAGON ROAD.

1. Roads recommended.
2. Report on Sierra County routes.
3. Report on Calaveras County routes.

## III. COUNTY ROADS.

## IV. COUNTY BOUNDARIES.

1. Surveys under Special Acts.
2. Surveys under General Act.
3. Errors in Boundaries and proposed amendments.

## V. EASTERN BOUNDARY.

## VI. STATE MAP.

## VII. INTERNAL IMPROVEMENTS.

1. Railway System.
2. Supplies of Water.
3. Reclamation of Swamp and Overflowed Lands.

## VIII. GEOLOGY OF THE STATE.

1. Geological Survey.
2. List of Mineral Specimens added to the State Cabinet.

## IX. STATISTICS.

1. Reports from County Surveyors.
2. Reports from County Assessors.
3. Reports from other sources.
4. Statistical Table.
5. Recapitulation.
6. Statistical Notes.

## X. CLAIMS.

## XI. SURVEYOR-GENERAL'S OFFICE.

## XII. APPENDIX.

- A. Circular for surveys of Swamp and Overflowed Lands.
- B. Annual Circular to, and Reports from, County Surveyors.
- C. Annual Circular to Boards of Supervisors and Assessors, and Reports from County Assessors.
- D. Communications from A. P. Chapman and Geo. H. Goddard, Civil Engineer, on Sierra County road routes.
- E. Communication from A. S. Taylor on Monterey whale fisheries.
- F. Meteorological tables from Dr. Gibbons.
- G. Claim of survey account of Wm. Mock, County Surveyor, Sonoma County.
- H. Claim of Geo. H. Goddard, Civil Engineer.

SURVEYOR-GENERAL'S OFFICE,  
Sacramento, January 12th, 1856. }

To His Excellency,

J. NEELY JOHNSON,

Governor of California:

SIR:—As required by law, I have the honor herewith to transmit the annual Report of my office for the year 1856.

The unavoidable delay in the receipt of returns from the County Surveyors, and County Assessors,—some having been received as late the 8th inst.,—has prevented an earlier transmission of the Report.

The action of this office during the past year, and its future wants under the requirements of the various laws prescribing its duties, are reported as follows :

Respectfully, &c.,

J. A. BREWSTER,

Surveyor-General.



# REPORT.

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## I. STATE LANDS.

### 1. SCHOOL LANDS.

The Act of May 7th, 1855, "To provide for the selection of lands donated by the United States to the State of California, for the support of Common Schools and for the erection of Public Buildings," requires the Surveyor-General, (calling upon the County Surveyors for assistance,) to make selections of such lands from time to time, in tracts located according to the system of United States Public Land Surveys, and for his guidance therein, to procure from the United States Surveyor-General, certified copies of survey plats of such lands. To perform this duty, it is necessary for the Surveyor-General to visit the several land offices for information, and the offices of many of the County Surveyors, to secure a judicious selection, as well as to procure the necessary maps from the United States Surveyor-General. In consequence of the want of appropriations for this purpose, no selections have been made, except in the counties of Stanislaus and Merced, although large bodies of land are reported by the several Surveyors as available in their respective counties for School Land locations, and which are rapidly being lost to the State. In this respect, a great necessity exists for action by the Legislature to secure the State interest, by relieving the Surveyor-General from dependence on the County Surveyors. I would recommend that the State Board of Education have control over the School Lands, that the Surveyor-General be empowered to make the selections assisted by the School authorities of each county, and the lands be registered in the Surveyor-General's office for purchase; also that the selections of lands donated for University purposes be made at once, under the same authority, so that the State, either alone or in combination with some other suitable body, can establish an institution of learning to be the center and head of the State system of education. The longer the delay in the location of these lands, the greater is the loss to the State from the rapid occupation of valuable property now being daily made by settlers under the United States pre-emption laws.

The selections made of School Lands are herewith reported, as follows:

## STANISLAUS COUNTY.

| Selection. | Township. | Range. | Section. | Subdivision.       | Acres. |
|------------|-----------|--------|----------|--------------------|--------|
| 1          | 3 S.      | 13 E.  | 22       | S.E. $\frac{1}{4}$ | 160    |
| 2          | 3 S.      | 12 E.  | 18       | E. $\frac{1}{2}$   | 320    |
| 3          | 3 S.      | 12 E.  | 17       | W. $\frac{1}{2}$   | 320    |
| 4          | 3 S.      | 11 E.  | 13       | ..                 | 640    |
| 5          | 3 S.      | 11 E.  | 21       | N.W. $\frac{1}{4}$ | 160    |
| 6          | 3 S.      | 10 E.  | 19       | S. $\frac{1}{2}$   | 320    |
| 7          | 2 S.      | 12 E.  | 25       | S. $\frac{1}{2}$   | 320    |

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Total.....2,240

Selection No. 1.—Sandy loam soil ; scattering timber. Value, \$5 per acre.

“ No. 2.—Soil, black sandy loam. Value, \$2 per acre.

“ No. 3.—Soil, black sandy loam. Value, \$2 per acre.

“ No. 4.—Soil, rich sandy loam. Value, \$2 per acre.

“ No. 5.—Soil, rich sandy loam ; scattering timber. Value, \$2 per acre.

“ No. 6.—Soil, rich sandy loam ; scattering timber. Value, \$1 25 per acre.

“ No. 7.—Soil, rich gravelly loam. Value, \$3 per acre.

The foregoing selections were made by Silas Wilcox, County Surveyor of Stanislaus County, in the place of portions of the 16th and 36th sections of the townships corresponding to those of the selections, viz : No. 1 for N.W. quarter of section 36 : Nos. 2 and 3 for section 36 : No. 4 for section 36 : No. 5 for S.E. quarter of section 16 : No. 6 for S. half of section 36 : No. 7 for S. half of section 36, which had been reported settled upon under pre-emption claims.

## MERCED COUNTY.

| Selection. | Township. | Range. | Section. | Subdivision.       | Acres. |
|------------|-----------|--------|----------|--------------------|--------|
| 1          | 5 S.      | 13 E.  | 11       | S. $\frac{1}{2}$   | 320    |
| “          | “         | “      | 12       | S. $\frac{1}{2}$   | 320    |
| “          | “         | “      | 13       | ..                 | 640    |
| “          | “         | “      | 14       | E. $\frac{1}{2}$   | 320    |
| “          | “         | “      | 14       | N.W. $\frac{1}{4}$ | 160    |
| “          | “         | “      | 15       | N.E. $\frac{1}{4}$ | 160    |
| 2          | 7 S.      | 10 E.  | 8        | ..                 | 640    |
| “          | “         | “      | 9        | ..                 | 640    |
| “          | “         | “      | 10       | ..                 | 640    |
| 3          | 7 S.      | 13 E.  | 21       | ..                 | 640    |
| 4          | 7 S.      | 15 E.  | 22       | E. $\frac{1}{2}$   | 320    |
| “          | “         | “      | 23       | W. $\frac{1}{2}$   | 320    |
| “          | “         | “      | 27       | ..                 | 640    |
| “          | “         | “      | 28       | ..                 | 640    |
| 5          | 8 S.      | 15 E.  | 14       | S.W. $\frac{1}{4}$ | 160    |
| “          | “         | “      | 15       | S. $\frac{1}{2}$   | 320    |
| “          | “         | “      | 16       | S.E. $\frac{1}{4}$ | 160    |

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Total.....7,040

- Selection No. 1.—On Merced River. Irrigation will cost 75 cents per acre ; making the land then worth \$15 per acre.
- “ No. 2.—On Merced River. Irrigation expensive. Land very fertile.
- “ No. 3.—On Bear Creek. Land very fertile. Value, \$3 per acre.
- “ No. 4.—On Chowchilla River. Land very fertile, if irrigated. Valued at \$2 per acre.
- “ No 5.—On Mariposa River. Land very fertile ; sparsely timbered. Valued at \$15 within one year.

The above selections have been made by Erastus Kelsey, County Surveyor of Merced County, and approved in this office.

The plats do not accompany this Report, but have been transmitted to the Governor, as required by the Act.

Four hundred U. S. township plats, from the U. S. Surveyor-General's office, were received by my predecessor and partially copied. Twenty seven additional ones have been received by me, and with the rest have been copied, in the office, on good drawing paper, to insure preservation and usefulness, and have been transmitted to the County Surveyors of those counties to which they respectively belong.

## 2. SCHOOL LAND WARRANTS.

Under the Act of the Legislature, “ To provide for the sale of the 500,000 acres of land donated to the State of California for the support of Common Schools,” there have been located during the present year, sixty nine warrants for 12,933.245 acres, up to January 1st, 1857, as is shown by the following

### STATEMENT.

#### BUTTE COUNTY.

Nos. 421 and 789, for 160 acres each.

#### COLUSA COUNTY.

Nos. 392, 393, 258, 259, 426 and 427, for 160 acres each. Nos. 292 and 273, for 320 acres each.

*Re-located.*—Nos. 604 and 607, for 160 acres each.

#### KLAMATH COUNTY.

Nos. 247 and 677, of 160 acres each.

#### MONTEREY COUNTY.

No. 143, of 320 acres.

#### SAN BERNARDINO COUNTY.

Nos. 159 and 238, for 160 acres each.



## SAN JOAQUIN COUNTY.

Nos. 317, 319, and 318, for 320 acres each. Nos. 776, 72, 454, 716 and 714, for 160 acres each.

## SANTA CLARA COUNTY.

Nos. 113, 237, 47, and 277, of 320 acres each. Nos. 4, 446, 600 and 603, of 160 acres each.

*Re-located.*—No. 99, for 320 acres.

*Re-located from Calaveras County.*—Nos. 269 and 270, for 160 acres each.

*Re-located from Monterey County.*—Nos. 380 and 381, for 160 acres each.

## SANTA CRUZ COUNTY.

Nos. 155 and 162, for 160 acres each.

*Re-located on account of irregularity in the former locations.*—Nos. 50, 365, 214, 215, 625 and 675, for 160 acres each.

## SISKIYOU COUNTY.

No. 218 for 320 acres. Nos. 117 and 413, for 160 acres each.

## SHASTA COUNTY.

Nos. 236 and 747, for 160 acres each.

## SONOMA COUNTY.

No. 375, for 160 acres.

## TEHAMA COUNTY.

Nos. 70, and 176, for 320 acres each.

## YOLO COUNTY.

No. 27, for 320 acres. Nos. 750, 751, 731, 737, 753, 755, 756, 757, 735, 758, 726 and 736, for 160 acres each.

## RECAPITULATION.

| Counties.           | No. of Surveys. | No. of Warrants. | No. of Acres. |
|---------------------|-----------------|------------------|---------------|
| Butte .....         | 1               | 2                | 320           |
| Colusi. . . . .     | 5               | 10               | 1,887         |
| Klamath.....        | 1               | 2                | 319,750       |
| Monterey.....       | 1               | 1                | 320           |
| San Bernardino..... | 2               | 2                | 320           |
| San Joaquin.....    | 5               | 8                | 1,720         |
| Santa Clara.....    | 13              | 13               | 2,880         |

|                 |    |    |                 |
|-----------------|----|----|-----------------|
| Santa Cruz..... | 4  | 8  | 1,229.095       |
| Siskiyou.....   | 2  | 3  | 640             |
| Shasta.....     | 1  | 2  | 257,400         |
| Sonoma.....     | 1  | 1  | 160             |
| Tehama.....     | 2  | 2  | 640             |
| Yolo.....       | 6  | 13 | 2,240           |
| Total.....      | 44 | 67 | 12,933.245-1000 |

Difficulties are constantly arising from the want of legal regulations for the registry of the floating, transfer, and re-location of the School Land Warrants. It often happens that survey returns of locations of warrants are made, when the register in this office shows the same to have been located in a different county and by a different person. The law should either prescribe some system, or authorize the Surveyor-General to issue instructions, whereby this conflict of title should be avoided. The evil is hardly felt now; but when the time arrives for the patent to issue, there may be twenty claimants for land, to the amount of 160 acres each, under one and the same warrant.

### 3. SWAMP AND OVERFLOWED LANDS.

As required by the Swamp Land Act, instructions were issued from this office to the different County Surveyors, similar to those in force under my predecessor, and were published for thirty days in the California American newspaper, in Sacramento. Special instructions in two cases were issued, where a departure from the general system of survey adopted by the Act was required.

Under these instructions, apart from those surveys, which have been rejected from non-compliance with the requisitions of the Act, there have been returned to me, up to the first of January, 1857, from sixteen counties, surveys according to the following

### STATEMENT.

| Counties.               | No. Surveys. | No. Acres. |
|-------------------------|--------------|------------|
| Alameda - - - - -       | 10           | 1,125.04   |
| Butte - - - - -         | 15           | 3,722.40   |
| Colusi - - - - -        | 21           | 5,337.80   |
| Contra Costa - - - - -  | 22           | 3,323.72   |
| Humboldt - - - - -      | 9            | 2,000      |
| Merced - - - - -        | 20           | 3,017.19   |
| Sacramento - - - - -    | 105          | 25,827.75  |
| San Francisco - - - - - | 11           | 2,410.98   |
| San Joaquin - - - - -   | 184          | 40,811.22  |
| Santa Clara - - - - -   | 3            | 709.17     |
| Shasta - - - - -        | 3            | 720        |
| Solano - - - - -        | 27           | 5,298.43   |
| Stanislaus - - - - -    | 59           | 5,957.63   |
| Sutter - - - - -        | 92           | 19,487.55  |
| Tulare - - - - -        | 52           | 6,312      |
| Yolo - - - - -          | 75           | 20,218.50  |
| Total - - - - -         | 708          | 146,279.38 |

In addition to the foregoing, the exterior lines of a tract of 17,500 acres were run by the County Surveyor of Sacramento, but being informally returned as a preliminary survey, it has not been approved or registered in this office. In San Joaquin County a tract of about 32,000 acres is being surveyed under special instructions, the returns of which have not yet been received. Returns for about 5,000 acres, including informal returns sent back for correction, and disputed and conflicting claims, without being rejected are retained for farther examination and a future report.

These swamp and overflowed lands, which I estimate at not less than 5,000,000 acres, constitute one of the greatest sources of wealth in the State, if properly developed and carefully legislated upon. When reclaimed, they will produce every variety of crops, with an abundant return for the labor of cultivation. Much difficulty is already experienced in the conflict of opinion concerning the rule of distinction between lands swamp and overflowed and lands not subject to overflow. The instructions from the Commissioner of the General Land Office do not settle the question.

The registers of the several land offices hold all lands as subject or not subject to private entry as United States Public Lands, upon the returns and maps of the United States Deputy Surveyor, who may have seen the land but once in a single season, and report thereon his unsupported opinion. On the other hand, the claimant for the State is required to prove by the affidavits of those who have well known the land, and by the Surveyor's return, if the same be swamp and subject to overflow, in the meaning of the law. To settle these increasing difficulties, and to save a large body of valuable land to the State, I would recommend that the State lands, and more especially those that are swamp and subject to overflow, be segregated from public lands of the United States. When this is completed, the State will be able to sell her lands to settlers at low rates, and procure her speedy reclamation. Already upon the best of these lands, the settlers are far in advance of the State, and if speedy action be not had, this magnificent domain, apparently so valuable, will prove worthless, and the State in fact be made a sufferer.

I would recommend that the restriction of the sale of swamp lands within certain limits be stricken out, and if necessary, that the lands within those limits, if more valuable than others, be sold at a higher price, according to a properly graduated scale.

I would also recommend that the power of the Surveyor-General to issue instructions for a system of survey varying where necessary from the system of United States Public Land Surveys be more properly defined. The devising of a judicious system of survey of these lands is one of the most difficult engineering problems in the State, and a segregation of the State lands is one of the first and necessary steps to be taken thereto.

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Since writing the foregoing, and as I was about to close my report, I have received from your Excellency, a copy of your annual message, in which I find a letter from Thos. A. Hendricks, Commissioner of the General Land Office at Washington, wherein it is stated, that, "The question of cultivation has been carefully examined, and we have long since decided, that, to place the land without the purview of the Act, it is not necessary for the cultivation to be in grain." And again, "It was not the design of Congress to grant to the States those rich prairie meadows where crops of grass may be cultivated and harvested, hay being regarded as much a staple production as wheat or corn." This is the first official inform-

ation received by this office of any change in the rule of determination as to the character of swamp and overflowed lands.

To show that this rule has not been "long since decided," I quote from my instructions, as ordered by the Act, to the County Surveyors for the survey of swamp and overflowed lands—the action of the predecessor of the Commissioner and his rule of judging the character of these lands :

"It is believed that hundreds of thousands, perhaps millions of acres of the best lands in the State, which have been donated to her as swamp and overflowed lands, will be disposed of by the General Government, unless reliable evidence shall be obtained and presented by the State to prevent the same.

"I would respectfully request particular attention to the following remarks of the Commissioner of the General Land Office. He says that 'all lands which from being swampy or subject to overflow,' are unfit for cultivation, and 'all lands which though dry part of the year, are subject to inundation at the planting, growing or harvesting season, so as to destroy the crop, and therefore are unfit for cultivation, taking the average season for a reasonable number of years as the rule of determination,' are to be considered as granted to the State.

"He also says the United States 'Surveyor-General is authorized to receive such reliable evidence of the character of any of these lands as may be presented by the authorities of the State ; and as many of the lands were surveyed at the dry seasons, and hence are not represented by the descriptive notes or plats as being of that character, I have supposed it a matter of sufficient importance to induce you to call upon the County Surveyors or other respectable persons of your State, for statements under oath in relation to the swamp or overflowed lands in their respective counties.'

"He also says : 'Such testimony will be considered as establishing the facts in the case, etc.'

"Section 3 of the Act of September 28th, 1850, requires 'That in making out lists or plats of the lands aforesaid, all the legal subdivisions, the greater part of which is wet and unfit for cultivation, shall be included in said lists and plats, but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.'

"All the subdivisions upon the township plats are 'legal.'

"The United States Surveyor-General says the 'smallest legal subdivision' is 'forty acres, or a smaller amount when so returned upon the plat.'

"I am of opinion that testimony will be required as to the character of each and every quarter quarter-section or forty acre lot, and that any such lot is a 'legal subdivision,' (except where a smaller quantity is returned on the United States township plats,) to which the State is entitled when the 'greater part is wet and unfit for cultivation,' or subject to inundation at the planting, growing or harvesting season, etc., as described above."

If grass or any other spontaneous product of the soil, which may be used for feed for cattle, or which, by the application of manufacturing power, aided by scientific research, may become the source of wealth and industrial employment, is to be considered a "crop," then is the State of California entirely shut out from the benefits of the Act of Congress of 1850 donating these lands, and the supposed munificent gift of the Government is more than worthless, in that it has induced settlement and moneyed outlay, to produce, in the future, difficulty and vexatious litigation. It is well known the tules are extensively used in the dry season for food by cattle, and swine fatten in them better than elsewhere. It is also demonstrated that the manufacture of paper from tule can be

carried on upon the most extensive scale, and, were labor cheaper, at a handsome profit.

Besides, to make these lands valuable, reclamation is necessary, else, at certain seasons only can they be used; although the very overflow itself is the cause of the production of this natural "crop."

In their reports upon these lands, the U. S. Deputy Surveyors take neither affidavits nor evidence from those who have long and well understood their character; but upon some certain day in the year they see them perchance either wet or comparatively dry, (and that but once in their lives,) and thereon decide to throw out or report them as part of the U. S. public domain.

In other States, the State authorities have ever been consulted and listened to in this matter, and where the same care has been shown, as is exhibited in California, the State selections supported by affidavits and strong proofs have ever been acknowledged to be correctly made.

This subject is one of vital importance to the State, and especially to those of her citizens, who, as innocent purchasers have been induced to settlement and expense by the Swamp Land Act, and I recommend it to the earnest attention of the Legislature at its present session.

## II. IMMIGRANT WAGON ROAD.

I. The Act of the Legislature of 1855, entitled, "An Act to provide for the survey and construction of a Wagon Road over the Sierra Nevada Mountains," required the Surveyor-General to cause such road to be surveyed, and in company with the Governor and Controller of State, to locate and construct the same. Under that Act, a location of a route via Placerville and Luther's Pass, to Carson Valley, was selected, and a survey made thereof by order of my predecessor.

Difficulties having arisen in the way of a completion of the duties of the Board of Commissioners under the Act, it devolved upon the successors of those officers to proceed in the work. Before any action could be taken therein by the present Board, a bill in equity was filed in the District Court of the Sixth Judicial District by W. T. Wallace, Esq., Attorney-General, against J. Neely Johnson, Governor, John A. Brewster, Surveyor-General, and David F. Douglass, Secretary of State, the existing Board of Road Commissioners, to enjoin said Commissioners from entering into any contract for the construction of said road, for the reason that the Act empowering said Board is unconstitutional and void. The decision of the District Court was appealed from, and the appeal filed in the Supreme Court on the 15th of July, 1856, and the decision of the Supreme Court was rendered on the 8th day of December, 1856, declaring the said Act creating and empowering the said Board of Commissioners to be unconstitutional and void.

No steps have been taken by this office, or by the Board under the Act, except in defending the above suit, and the entire question of the construction of an Immigrant Wagon Road over the Sierra Nevada, remains as unsettled as it did two years since, save in the increased proof of its immediate necessity.

The interest that has been of late specially exhibited in the construction of one or more roads over the mountains, and the increase of information in regard to various routes in different sections of the State will doubtless induce the Legislature, at its present session, to pass a bill for this purpose, freed from the Constitutional objections which militated against the Act of 1855.

If an act of such a character shall become a law, it will be necessary to relocate the road, either by the route selected by the former Commissioners or by some other equally good.

Without expressing a preference for any location, I would respectfully call your

attention to the information received from various portions of the State recommending their several routes.

And it is a grave question whether several roads, located in different sections, are not required for the growing wants of the settlers therein, rather than one single road, through which the whole immigration would be forced to come, at probably an increase of time and expense in reaching its destination. On the 14th March, 1856, Hon. Sherman Day introduced a bill into the Senate for an Act to provide for the construction of five such roads: First, From Battle Creek, by Noble's and Fredonyer's Passes, and Honey Lake Valley, to Eastern boundary of the State. Second. From Forest City along or near the line of D. B. Scott, Esq's. survey in October and November, 1855. Third. From Placerville by South Fork of American River, Henderson's and Luther's Passes to Carson Canon, as surveyed by Day and Arnold from October, 1855, to January, 1856. Fourth. From the Big Trees in Calaveras County, by Grizzly Bear Valley, Summit Lakes, and Hope Valley, to Carson Canon. Fifth. From the Cajon Pass in San Bernardino County, by the old trail to the Vegas de Santa Clara to the Eastern boundary. Sixth. To provide for boring a series of artesian wells along the road from San Felipe Canon to Fort Yuma on the Colorado. For performing the work of survey, location, and construction of said several roads and wells, it was proposed to appropriate sums not to exceed in amount :

|                |   |   |   |   |   |           |
|----------------|---|---|---|---|---|-----------|
| For the first  | - | - | - | - | - | \$ 20,000 |
| For the second | - | - | - | - | - | 60,000    |
| For the third  | - | - | - | - | - | 100,000   |
| For the fourth | - | - | - | - | - | 40,000    |
| For the fifth  | - | - | - | - | - | 20,000    |
| For the sixth  | - | - | - | - | - | 20,000    |

I would recommend that an act, similar in its character, should be passed, with such changes of direction and estimated expenses as the increased knowledge of the different routes and mountain passes shall show to be proper. I also recommend the survey and location of a road from the town of Petaluma, in Sonoma County, passing through Santa Rosa and Russian River Valleys to the head waters of Russian and Eel Rivers, and thence with Eel River to Humboldt Bay. Increased facilities for communication between the Northern part of the State and San Francisco, such as this road would afford, are greatly needed. The country along the route is a succession of extensive and fertile valleys and finely timbered tracts, while minerals of a valuable character abound. The country would soon be thickly settled with a permanent population, and the increase of valuable taxable property would make ample return to the State for the cost of the road and the development of the natural resources of this district. For this purpose, I recommend an appropriation of \$20,000.

Herewith are submitted notes of Reconnoissances of the Calaveras and Sierra County routes, over the Sierra Nevada, made during the past summer by myself; and attention is directed to the reports of Messrs. Goddard and Chapman, of a similar character, in the appendix.

## 2. NOTES OF A RECONNOISSANCE OF THE DOWNIEVILLE ROUTE OVER THE SIERRA NEVADA, MADE IN AUGUST, 1856, BY JOHN A. BREWSTER, SURVEYOR GENERAL OF CALIFORNIA.

Having been invited, by certain public spirited citizens of Downieville, to

examine their route for an Immigrant Road, I left that place for Sierra Valley on the 17th of August, 1856. The party accompanying me, consisted of Messrs. A. P. Chapman, W. D. Noland, J. J. Bramley, E. Cady, Sol. Purdy, J. H. Craycroft, J. Charleton, Jos. Sargent, and J. McMurtrie, with well provided pack animals.

Traveling N. E., up the East fork of the North Yuba, for four miles, by an easy graded trail, we turned due East, and, at twelve miles, crossed the summit of the Butte ridge, which is a part of the main ridge of the Sierras. The crossing here, has an elevation of 1,300 feet above Downieville. Bending North for a mile, to avoid the Buttes, which are a rugged mass of conglomerate rock and volcanic debris, with so bold an outline and so great altitude as to be the landmark of this section, we traveled due East, over a succession of little valleys and low ridges covered with timber and interspersed with small lakes, to the East branch of the South fork of the North Yuba. Thence eastward, up this branch and descending gradually, we crossed a low ridge at its head, and entered Sierra Valley at Chapman's Ranch. This point is twenty-four miles from Downieville, and is 1,100 feet lower than the Butte ridge crossing. The proposed road route, after leaving Downieville, instead of following the ridge that I traveled, runs up the North side of the South fork of the North Yuba, by way of New York and Kanaka Flats, and Sierra City, with an easy grade, until it passes the Buttes on their Southern side, and thence, on by the East branch, as above, and through Chapman's Pass, into Sierra Valley. By this route, the ascent and irregularities of the ridge are avoided, as well as any deep fall of snow to impede the travel in winter.

Sierra Valley is a large and level plain, about forty miles long and ten miles wide, lying nearly north and south. It is covered with nutritious grass, and abounds with springs of fresh and mineral waters; some of the latter are of high temperature and medicinal virtue. Its northern, southern, and western sides, are enclosed by hills clothed with fine oak and pine timber. In its centre, is collected, in winter, a large body of water, out of which, flow the heads of the Middle Feather river. Mohawk and Lake Valleys, adjoin it on the north-west, and may be considered as its branches. They are of considerable extent and of equally valuable character. The Beckwourth Pass and old Trading Post, lie near the northeast extremity.

After leaving Chapman's, a canter Northward for twenty-three miles over the open plain,—a better road than is found in most of the foot-hills of the Sacramento Valley—brought us to the Divide and Pass, which is almost on a level with the valley. Thence east, descending on an easy slope for seven miles, we came to Grass Spring, in Long Valley, where are good grass and water. The waters of this valley run north, into Pyramid Lake, and may afford a good road to the desert. Thence southeast, for three miles, and then east, over a rolling country, for six miles farther, we came to Pea-vine Spring, which is about 100 feet higher than the Pass. Here the wild sage region begins, the hills being covered with its scattered growth, while a little grass is found in the hollows. We here passed parties of Indians, over 350 in number, belonging to two different tribes, who had been holding a "grand talk," to settle some disputes about their hunting grounds; and their council having broken up, they were now on their way to their autumnal haunts. A few had horses, on which the happy possessors pranced in great state, while the squaws and half grown children, dragged after them the lodge-poles, on which were fastened their household gear, and in some instances, a papoose, whose glittering eyes shone out in wonderment amid the confused mass of Indian baggage.

Nine miles farther, over a bare rolling upland, with volcanic debris scattered thickly around, and crossing the beds of three alkaline lakes, whose now dry

beds glistened like snow in the sun-rays, we reached the edge of Truckee River valley ; then leaving the sand and wild sage, which had annoyed us for the last two miles, we crossed the valley for five miles to the edge of the river, which is here about eighty yards wide, confined between abrupt banks fifteen feet high and bordered with willow thickets.

This portion of the valley is known as the Big Meadows, extending five miles along the river, with a width of from four to five miles, in which is an abundance of nutritious grass and good water, and at this season enjoys a delightful climate. A number of immigrant trains were camped throughout the valley, and their cattle, dotting the plain, reminded one of an older and settled region. About four miles to the southeast, we were informed, was an incipient Mormon village, whither some of our party were invited to a *bull*. We here first obtained some of the fine salmon trout of the river. Proceeding down the river (crossing it several times, to avoid the sharp points of volcanic ridge-spurs which jut close upon the stream,) with a gentle and uniform descent, in a course nearly directly east, for twenty-six miles, we reached the lower crossing and the road which comes in here across the Desert, from the Sink of the Humboldt, distant from this crossing thirty-eight miles. The river here bends sharply to the left, and running north for twenty-two miles, empties into Pyramid Lake. Crossing to the right bank or desert side, we moved down the river, over barren desert bluffs of hard sand and volcanic rock, covered with wild sage, and a few patches of white bunch grass. The river lies two hundred feet below, and the bluffs are close on the river, with an occasional expansion into handsome little valleys, having fine grass and cottonwood and oak trees ; one of these, at the mouth of the river, extending for five miles with as fine grass and handsome trees as ever met the eye of the immigrant. The river has two mouths ; one branch turning abruptly off, within three hundred yards of Pyramid Lake, and running in a semi-circle to the S.E. and N.E., at five miles empties into Mud Lake, which lies to the northeast of Pyramid. The Pyramid Lake is about forty miles in length and fifteen in breadth, containing the singular rock which has given it its name. It is surrounded by high mountains on the northern and western sides. On the east stretches the barren desert waste, and on the south the river comes in, passing a low ridge of volcanic debris and concrete, in which I found a number of veins of superior spar. I had no opportunity to go out on the lake and examine its waters, but along the shore the water was alkaline and of an offensive fetid odor, leaving a broad and thick deposit as tough as felt. Several Indians were camped here in the sand, living on the fine trout of the river, which they are expert in catching, and having an occasional chase of the big-horn sheep. From this river mouth a good road could be made direct to the Big Meadows, where we first reached the river valley ; and from this point east to the Sink of the Humboldt, or some point higher up that river, whereby much of the desert travel and not less than thirty-five miles of distance can be saved.

After one day's rest in this handsome spot, with the enjoyments of fine fish and game, we retraced our trail to the Big Meadows. Thence, leaving the Beckworth Pass to the right, we continued up the river to the upper crossing on the old Truckee route. The river running through narrow canons here bends south. After crossing twice, we left it, passing over a low rocky ridge, and at five miles crossed Dog Valley. Ascending westward for four miles, we reached the first summit, here covered with a dense pine forest. Two miles further on we came to the forks of the Henness and old Nevada roads. Bending to the northwest for four miles, we made a noon camp in Clover Valley, which is full of fine grass and water ; thence, north, sixteen miles brought us into the south end of Sierra valley at the hot sulphur springs, in which the party enjoyed a delightful and invigorating bath.



The temperature of these springs, is from  $103^{\circ}$  to  $114^{\circ}$  Farenheit, and they have proved in a few cases of great medicinal power.

The next day, the party returned to Chapman's rancho and thence to Downieville.

On this route, from the Butte ridge eastward, there is little or no work necessary; the grade in no place needing to exceed four degrees. It is in many places a good buggy road at present. From the Butte westward, a grade of five degrees should suffice to make the road of a superior quality. Here, however, for a few miles some heavy work will be required. Rock and timber for construction are abundant and convenient where needed; and the grass and water are amply sufficient in quantity and quality. Of the state of the snow on the mountain in winter, I am unable to speak with certainty; but from the lowness and sheltered character of the Pass, I should consider it with favor even for a winter road. It is well worthy the attention of the Legislature.

The main chain of the mountains, crossed on this route, is the same called the Gibsonville Range by Mr. Goddard, Civil Engineer, to whose report and that of Mr. Chapman, to be found in the Appendix, reference is made for further information.

### 3. NOTES OF A TRIP OVER THE CALAVERAS ROUTE TO CARSON VALLEY, MADE IN OCTOBER, 1856, BY JOHN A. BREWSTER, SURVEYOR-GENERAL.

Having been offered by the kindness and public spirit of certain citizens of Mokelumne Hill, a party for the exploration and reconnoissance of the road over the mountains through Calaveras county, I started in company with Messrs. B. S. Lippincott, H. Atwood, L. C. Reot, Dr. Cozine, Geo. S. Anderson, and R. Saunders, of that place, attended by Pancho and Pedro, two Mexican servants, on Tuesday, September 30th, from Mokelumne Hill, and travelling northeastward up the main Mokelumne river, by way of Rich Gulch, Pleasant Springs, and Sandy Gulch, halted for the night at West Point, to let the pack animals come up. We passed over a good road all the way, on which stages are daily running, and along the line of which miners are constantly at work. Saw-mills and quartz-mills are also in operation, finding ample remuneration for their labor. At West Point we found Dr. Davis, of San Francisco, who, with Ex-Lieut. Gov. Purdy, and many other gentlemen are engaged in developing the resources of this section, believed by them to be one of the richest quartz regions in the State. The quartz is found in ledges running in every direction, in many cases defying calculation as to the supposed dip and course. Near the surface, the sulphurets, which abound in an extraordinary degree, have become decomposed, and the quartz, that is taken from the leads, is thereby rendered easily capable of being worked at small expense with the common mud arastras, and small water wheels, while it affords an almost fabulous return for the labor and capital employed. The village of West Point has but lately sprung into existence and is the frontier settlement of this section of the State, yet it seems destined to become the center of one of the most extensive and lucrative quartz fields now occupied.

On the next day, our pack animals having arrived, we started at mid-day for the real no road country. Crossing the middle fork of the Mokelumne and Scull Flat, we ascended the dividing ridge between the Middle and North Forks of the Mokelumne, at an easy grade for loaded wagons, and still moving northeastward, at twenty-two miles intersected the trail leading to the Big Trees and Murphy's. The ridge to this point rises slightly, and is covered with pine, oak, and a few cedars, having fine grass, and good water on either side. It is a spur of the main divide of the Sierras, and can be followed to the summit. Here turning to the

northward, we crossed a low, narrow, and thickly timbered spur of the divide between the waters of the Stanislaus and the Mokelumne, and proceeded along the side of the ridge on the North Fork of the Stanislaus, crossing several brooks and hollows to Grizzly Bear Valley, a distance of twelve miles—good grass and water all the way. The timber is pine, but stunted and meager. Many granite boulders crop out along the road, and the creek beds are all rocky. The general direction of Bear Valley is north and south, about five miles across, and covered with fine grass. Several emigrant teams were here encamped recruiting their stock on the rich herbage.

Turning N. N. W., and crossing a small round valley, with a central lake, which (the valley not the lake) is called by the high sounding name of Pickens' Bill Williamson's Race Course, and is lying on a level with the top of the ridge, we followed the divide between the Middle and North Forks of the Stanislaus, along its southern slope, traversing the heads of several small streams which run into the Middle Fork, and at five miles crossed the head or north end of Stanislaus Valley. This is one of the handsomest valleys we had seen—the herbage, the beautiful pine growth, and disposition of the rocks, made it a scene worthy the pencil of an artist. The Middle Fork of the Stanislaus rises here, and flows southward through the level meadow. About three miles from this, we found a ledge of slate, containing traces of several ores, running northwest and southeast, also a number of quartz croppings in every direction. Proceeding north-eastwardly up the canon of Stanislaus Valley, we crossed a saddle of the ridge, where is a small lake, and from which point the South Fork of the Mokelumne and a branch of the Stanislaus take their rise. Winding along the ridge northwardly, we descended to the South branch of the North Fork of the Mokelumne, (which here runs due north.) in a canon, heading southeast, with fine lunch grass, young cedar, and spruce. Thence over a broken country, in which many streams head, with rocky beds and scattered timber, bending for six miles to the northwest, we gained the divide of the Sierras and the Summit Lakes. These lakes are deserving of special mention, forming, as they do, a portion of a system of natural reservoirs to be found throughout this entire summit range, from which the heads of all the streams of rivers running into the Great Basin, as well as into the Pacific, flow. Appearing to have no surface outlet except in the wet season, these reservoirs contain a vast body of water, which can, with but little expense, be made to supply the rapidly increasing wants of the agricultural and auriferous region below, to which enterprise and capital will soon direct their outflow.

From the intersection of the Big Tree road to this point, most of the formation has been of secondary rock and conglomerate, with many outcroppings of granite and quartz. The varied outline of the ridges, is at times exceedingly wild and picturesque, with plenty of room for the play of the imagination in its fanciful and changing forms.

From these lakes, we began descending along Carson river waters for ten miles, by an easy grade, through a heavily timbered canon into the head of Hope Valley, passing through two small valleys and heading a fork of Carson river. The course of this fork would afford a shorter route, but the canon through which it passes, is impracticable. Proceeding northeast, down Hope Valley, we passed the Placerville road of Mr. Goddard's line of survey, and Johnson's Cut-off, to the head of Carson canon. Thence the road runs eastward down Carson canon to the main valley of Carson river.

Hope Valley is about eleven miles in length, and from two to three in width. It contains an abundance of fine grass and water,—having a growth of willows and some cottonwoods on the streams, and the hillsides covered with timber scattered among broken rocks. We here obtained some fine trout from the Canon creek. In this valley, about five miles from the head of the canon, there

are to be found many traces of copper ore. Some twenty veins are to be discovered, running parallel to each other in a northwest and southeast direction. One has been opened for a few feet. It lies about 300 feet above the level of the valley, on the south-west slope of the hill. It is 18 inches wide, has a dip of  $45^{\circ}$ , and appears to be valuable. A rough assay showed 40 per cent copper, 10 per cent silver, and 3 per cent gold, and a value per ton of \$200. The hill, in which the vein has been opened, is a low and narrow divide of two forks of Hope Valley, and runs north and south. It is very rocky and heavily timbered, and runs out into the valley about a mile and a half north of the opened vein. About a quarter of a mile to the eastward, this vein runs out into an upright ledge of granite, but it can be easily traced northwestward into the main mountain for three miles. The character of this, and other contiguous veins, indicate that they are merely feeders of the mother vein; and, it is to be believed, that when that is found, it will prove to be exceedingly rich and valuable in ore, if not in native copper, affording a handsome remuneration for the investment of mining capital.

On our return upon the road line, after arriving at the point of intersection of the ridge which we followed from West Point with the Big Trees trail, we continued by this road to the Big Trees, fifteen miles, and thence back to Mokelumne Hill, remaining one night in the Grove. These giants of the forest have been so often and so well described, that I will not add anything here concerning them, except to refer to the strange blunder of those botanists who have classed them among the Taxodiums, they being, instead, of the real Coniferae and of the genera of the Cypress—the *cupressinae verae*. The cone is about two inches in length and of the form of an ovate spheroid. For ten miles on either side of the Grove the road runs through the handsomest forest in California.

The intermediate distances are reported as follows :

From Mokelumne Hill—

|  |   |   |   |   |           |
|--|---|---|---|---|-----------|
| To West Point  | - | - | - | - | 15 miles. |
| Crossing Middle Fork Mokelumne and Scull Flat                | - | - | - | - | 2 "       |
| Saunders' Rancho   | - | - | - | - | 3 "       |
| Grass Spring   | - | - | - | - | 5 "       |
| Intersection Big Trees Road                                  | - | - | - | - | 12 "      |
| Divide between Stanislaus and Mokelumne                      | - | - | - | - | 4 "       |
| North Fork Stanislaus  | - | - | - | - | 1 "       |
| Grizzly Bear Valley  | - | - | - | - | 7 "       |
| Main Ridge at head of Stanislaus Valley                      | - | - | - | - | 5 "       |
| Across cañon and rocky ridges to Summit of Sierras and Lakes | - | - | - | - | 11 "      |
| Hope Valley Head   | - | - | - | - | 4 "       |
| Placerville Road   | - | - | - | - | 7 "       |
| Head of Carson Canon   | - | - | - | - | 2 "       |
| From Intersection to Big Trees Grove                         | - | - | - | - | 16 "      |
| From Big Trees Grove to Murphy's                             | - | - | - | - | 15 "      |

This would make the distance from the Big Trees to the head of Carson Canon, 57 miles. The grade is gradual and very easy. The Pass is one of the lowest in the mountains. Water, grass and timber are abundant, and of an excellent quality. A number of emigrants passed over the road at our suggestion, some going into Murphy's, others to West Point; and all agreed in praise of it. A number of observations were taken on the route with an aneroid

barometer, but finding on my return, after careful comparisons, that the instrument was not to be relied upon for accuracy, I have omitted the table, referring to other sources for determination of altitudes. This route I can recommend as one worthy of most favorable attention for the location of a road, at small expense, and with great benefit to the immigration into the State.

### III. COUNTY ROADS.

Much complaint has been made of the inefficiency of the Act concerning Roads and Highways, to procure the proper amount of necessary improvement on the county thoroughfares. The County Surveyors should be made Road Commissioners, and be required to be skilful and competent men in their profession, and the road-tax, both poll and property, should be much larger than at present. Citizens are more ready to pay taxes for means of easy intercommunication than for any other purpose, and in the present state of California travel, a pressing necessity exists for the adoption of some good road system. That recommended by my predecessor is one worthy of adoption, and that or some one similar is endorsed by the different County Surveyors. This important subject appeals to the interest of every class of our citizens, and I recommend that a careful examination and action upon it be made by the Legislature.

### IV. COUNTY BOUNDARIES.

#### 1. SURVEYS UNDER SPECIAL ACTS.

##### SANTA CRUZ, SANTA CLARA, AND SAN FRANCISCO.

Returns of map and field notes received January 23d, 1856. This survey was made by Thos. W. Wright, County Surveyor, of Santa Cruz County, under appointment and instructions from my predecessor, and was noticed in his report. The returns were filed in my office, and the accounts of Mr. Wright returned to him for the proper vouchers to be attached. These were subsequently received and transferred by me to the care of the Assemblymen from Santa Cruz and Santa Clara, by whom they were referred to the Committee on Claims, in the Assembly of 1855. Since then, I have heard nothing from Mr. Wright, or the accounts.

##### SONOMA AND MARIN.

Act of Legislature, approved February 23d, 1856. Appointment and instructions issued March 18th, 1856, to Wm. Mock, County Surveyor of Sonoma County. Survey made. Map and field notes received August 11th, 1856. Accounts received and herewith transmitted, \$754.92.

##### FREZNO.

Act of Legislature approved April 19th, 1856. Survey made under order of Board of Supervisors. Field notes received October 8th, 1856, from Wm. W. Bourland, County Surveyor. No accounts received. No claim against the State

## 2. SURVEYS UNDER THE GENERAL ACT—AUTHORIZED UNDER CALLS FROM COUNTY AUTHORITIES.

### STANISLAUS AND MERCED.

Application from Board of Supervisors of Stanislaus Co. received February 11, 1856. Appointment and instructions issued February 11, 1856, to Silas Wilcox, County Surveyor of Stanislaus Co. Survey made. Plat and field notes received April 3, 1856. Accounts to be vouched for and transmitted to the Legislature when received.

### ALAMEDA, SAN JOAQUIN AND SANTA CLARA.

Applications received from Boards of Supervisors of Alameda Co. July 7, 1856, of Santa Clara Co. July 9, 1856, and of San Joaquin Co. August 7, 1856. A correspondence had for some time been had by me with the several counties, about their adjoining boundaries. Appointments and instructions for joint work upon the common boundaries of the several counties issued to H. A. Higley, County Surveyor of Alameda Co., L. B. Healey, County Surveyor of Santa Clara Co., and Geo. E. Drew, County Surveyor of San Joaquin Co., September 1, 1856. Appointment not accepted by Geo. E. Drew. The other surveyors are still engaged upon the work, and no returns have yet been received.

### SOLANO AND YOLO.

Application from Board of Supervisors of Solano Co. received November 26, 1856. Appointment and instructions issued November 28, 1856, to E. A. d'Hemecourt, Deputy County Surveyor of Solano Co. Appointment accepted. No returns received.

### TEHAMA AND COLUSA.

Application from Board of Supervisors of Tehama County for a correspondence upon the survey of the boundary between Tehama and Colusa Counties received July 3, 1856. Answered by asking for an order from the Board calling for the survey. No further action has been taken.

### EL DORADO AND SACRAMENTO.

A correspondence was begun upon this subject by a letter from Robt. E. Draper, of the Board of Supervisors of El Dorado county, claiming that an error existed in the settlement of the termini of the line, to which I replied, "that the reported survey and map made under my predecessor were definitive, until legislative action should be taken to alter them."

### BUTTE AND SUTTER.

Field notes and plat of dividing line, as surveyed by J. W. Scott, County Surveyor of Butte county, under order of Board of Supervisors of Butte county, received February 12th, 1856. No accounts received and no claim against the State.

## MARIPOSA.

Map of lines between Mariposa and Merced, and between Mariposa and Fresno, with sketch of Mariposa county, made by Thomas W. Long, County Surveyor of Mariposa county, by order of the Board of Supervisors, received December 26th, 1856. No accounts and no charge against the State.

## ERRORS IN COUNTY BOUNDARIES.

- The subject of the defects in the present boundaries of many of the counties is one of very great importance. In some instances it is impossible to determine the lines at all. Arbitrary lines should be made away with and natural boundaries or the lines of the United States Public Land Surveys adopted in their stead. Difficulties are constantly arising as to the several county jurisdictions. Assessors, Sheriffs and Courts are prevented from acting by the uncertainty of the true lines of territorial divisions. Great complaint is made on all sides, and the matter calls imperatively for speedy legislative action. The reports of the Assessors and Surveyors, (to which reference is here made for more particular information,) call attention more especially to the errors in the lines between the counties of Placer and Sacramento; of the west line of Nevada; of the south line of Contra Costa; of the entire boundary of Plumas; of the entire boundary of Colusi; of the lines between Sierra and Plumas; of the lines between San Joaquin and Calaveras, and of the lines separating the counties of Butte, Plumas, Yuba, Sutter and Colusi. All of these are represented to be indefinite, and objectionable, and pregnant with harm to the several counties.

A set of alterations in the boundaries of several counties to avoid ambiguity was recommended by my predecessor, which recommendation I heartily endorse.

## V. EASTERN BOUNDARY.

The necessity for speedy action in defining the Eastern Boundary of the State is daily becoming more apparent. Difficulties are constantly arising in several of the border counties in regard to the assessment and collection of taxes. Along the line lie several large and fertile valleys into which the tide of emigration is directed, and there, an account of the richness of the soil, the luxuriant growth of natural grasses, and other inducements to settlement, farms and even villages are springing up, which will soon vie with many upon the Western Slope. Much difference of opinion exists as to the true jurisdiction of the Courts, whether of Utah or California. As a large taxable property is there accumulating, and the varied business interests of the settlers bind them closely to our State, entirely apart from the consideration of the benefit to our stock of geographical knowledge and to the preparation of the State map, I desire to call attention to the propriety of making appropriations for the work of surveying and determining the boundary line. In connection, herewith, I would direct notice to the remarks of the County Surveyor of Placer on the subject.

## VI. STATE MAP.

The existing official map of the State is a broad burlesque upon the topography of California. No mortal foot has ever trodden over roads delineated upon it, and the directions of mountain chains and river courses, as there laid down, are most admirably calculated to answer the purpose of an ignis-fatuus to delude the benighted

traveler, who should ever trust to their guidance. Lakes are placed where the thirsty soil rarely sues a drop of water, and fertile plains appear where only barren deserts stretch their broad expanse. It is a disgrace and a reproach to the State, and should be replaced at once by a map conforming to the true character of the country. By private means a mass of valuable geographical information has been collected; and from the various sources of which it is easy for the State to avail herself, a map, correct in detail, with a true delineation of county lines, river courses, mountain ranges, roads, mining canals, positions of towns, &c., can be collated at a comparatively small expense. Such a map made in the *original*, upon a scale admitting of additions, as from time to time increased geographical knowledge will render necessary, should be on file in the Surveyor General's Office, from which, if ever deemed necessary, publication could be made. An official map is supposed to be final evidence of county boundaries, and other geographical and topographical truths by which State or county interests can be affected—in the determination of election contests, for example, where the return from a single precinct (as has been the case) may decide for or against the right to his seat of a Senator or an Assemblyman. The State should possess a correct map in the *original*, and not be at the mercy of any unauthorized publication. But such an undertaking, if begun, should be upon a scale of expenditure and performance worthy of the State and the value of the work. From time to time, subsequent Legislatures can appropriate sums for the prosecution of the labor on the map to its completion. In New York, Massachusetts, Pennsylvania, and other States, years of labor have been bestowed upon similar works, and it behooves California, who has a greater immediate interest in the development of truthful and reliable information concerning the topography of her territory, to take prompt and effective measures to secure the commencement of a correct State map. I would recommend the appropriation of \$5,000 for that purpose.

## VII. INTERNAL IMPROVEMENTS.

The Surveyor General is required, by law, to report any suggestions or information in his power upon required public improvements, either by a general system for the State, or upon special matters affecting particular localities.

Much of such information in practical detail, must be obtained from the County Surveyors and qualified Engineers, familiar with the requirements of the country. No such information has been received, and I am only able to refer to two or three subjects under this head, which have been the subjects of my personal attention.

*The First*, a system of railways connecting the extremes of the valley portion of the State and the larger cities which are the points of distribution of population and commerce. The only road now in operation, is the one from Sacramento to Folsom, but others are in contemplation between Sacramento, Benicia, and Marysville, Stockton and Oakland. No State affords greater facilities for internal railway communication than California, and the enterprise of her citizens will soon comply with the demands of traffic and travel for a speedy and safe transit between her distant extremities. I am not able to give correct details of the railways in operation and projection, beyond those contained in the appendix, and the reports of Engineers to which reference is made, no suggestions for any State action being now deemed necessary.

*The Second*, is the means of supplying the amount of water so greatly needed by both the mining and agricultural districts. In the agricultural sections, the digging of artesian wells has been resorted to upon the wide and arid plains with abundant success in some counties, while in others, the wells have proved

a total failure. These failures, however, would seem to arise more from the want of sufficient depth. In many cases the supply at first obtained, appeared amply sufficient, but, after a few months, became exhausted, evidently having had but a temporary reservoir for a head. Careful geological examination, has as yet failed to determine the cause. In the mining region, the digging of these wells has not yet been properly tested, and its practicability is much doubted. My own conviction is, that the creation of large tanks or reservoirs, in which to collect the vast amount of water which is obtained in the wet season from the rains and the melting snows of spring, is required for the mines and the farms. This system is the one adopted in India and Syria. Around all of the arable and cultivated valleys, are hills in whose bosom lie hollows and lakelets whose waters can be easily retained in the summer. In the Sierra Nevada, from one end to the other, is a system of lakes and springs out of which the heads of the various rivers flow. The many hollows of the mountains collect vast amounts of snow, which, when melted, pour over the sides of the ridges and flowing down the swollen streams are soon lost forever. These hollows and lakes could be dammed up, and the water therein, conducted from one to the other, descending in scale to the valleys and mining gulches, making a set of reservoirs sufficient to supply the wants of a larger population than California now has. The experiment has been fairly tested in the hot and dry climates of Southern Asia and Northern Africa, and commends itself to the consideration of this State.

*The Third* is the reclamation of the Swamp and Overflowed Lands. The importance of this subject is growing daily in the minds of all reflecting citizens; and as the origin and conduct of a general system of reclamation is now within our power, it is proper that great care should be exercised before the State commits herself to any undertaking for the purpose. Nothing is more necessary to this end than a correct conception of the geological formation and peculiar topography of that portion of the State immediately affected by the overflow. No one, who has given care to the investigation of the subject can doubt, that the whole of the valley watered by the Sacramento and San Joaquin rivers was submerged at some remote period of the world's history, and that the delta at their mouths, and the vast body of swamp lands on either side of their present channels, were formed by accretions of matter swept down from the more primitive formations above and deposited below. This is proved by the substances, both animal and vegetable, which have been discovered at various depths below the present surface, and the deposits brought up from the artesian wells. The natural action of the waters, by bringing down the heavier particles and gradually depositing them on the edge of the current, has created the natural levees on these streams, increasing at every overflow, until now the land on the bank of the river is higher than that at right angles back. This process will be continued by nature, if not interfered with, until in process of time the overflows, in obedience to the laws of alluvion formation, will have diffused the earth held in solution in the rivers over the whole back country. This is the case on the Mississippi, the Nile, the Po, the Ganges, and other rivers. In the basin formed by the natural levee of the streams and the high grounds to the rear, lie these vast bodies of swamp lands. The original body of water contained in them is constantly fed by the annual overflows, the back water of the sloughs connecting with the rivers, the fresh water streams which flow into the tules, and the constant absorption through the porous soil. As the present natural levees retain the water of the swamps from outflow, it would seem a natural conclusion that by unequally hastening the natural process of deposit and elevation of the surface by the building of levees on the immediate bank only, we would effectually cut off the outpourings of the redundant waters in the rear, and create a dismal swamp replete with pestilence and evil. This error was discovered all



too late in Louisiana, and the entire profession of Engineers has been long and actively engaged in devising some system for mitigating the evil. It may not be safe, nor is it suggested, to reject the dyking system entirely, for some points may be lower than the general level, (as is the case particularly in the San Joaquin valley,) and there slight levees are useful; but it is in general a hazardous and dangerous plan. If, then, such a system is to be rejected in planning the improvement of the swamp lands, it will be necessary to relieve the water pressure by other and increased outlets; for if, as it is shown, the genius of all alluvion streams produces an overflow of their banks, it follows that all the natural outlets of the rivers, and even more, must be opened.

If such a plan were adopted, then comes the important query, where shall these outlets to relieve the superabundant water of the rivers be made? This requires careful consideration and examination of the country before any settled conclusion should be arrived at. Without dilating too much at present on this branch of the subject, although its importance demands a carefully digested and elaborate essay, I would advise that on the San Joaquin river, the heads of the sloughs be dammed up and slight levees be constructed on the main channels.

The San Joaquin has a number of large channels which are able to carry off the overflow if the slough heads are stopped and the back waters conducted immediately into the Bay. In the Sacramento valley, the Feathers, Yubas and Upper Sacramento bring the great body of water from the upper country, which being concentrated at the mouth of the Feather and there finding the channel of the Sacramento unable to carry them off, overflows its banks and spreads down the side of the river to Suisun Bay. I would propose to cut a canal from the Sycamore Slough down the edge of the overflowed land to the Bay, running, as the line of such a canal would, along a natural channel for a stream at the edge of the upland. This would relieve the pressure of the water on the main channel of the river and draw off the standing water of the tules and the outflow of the Cache and Puta creeks.

A system of reclamation similar to the one proposed, or in fact any other, should not be left to individuals or counties, but be general for the whole State where required and under the care of a State officer.

Now is the proper time for a determination of the State policy in regard to this matter, and when a proper system is once adopted, all direct legislation thereupon should be in accordance with it.

If further information is required by your Excellency or the Legislature as to the ways and means of accomplishing such a measure, I will prepare a paper at length on the subject.

## VIII. GEOLOGY OF THE STATE.

1. The attention of the Legislature having been directed to the propriety of obtaining a correct knowledge of the geology of the State, with such information as would tend to the development of her vast sources of wealth in minerals, the law authorizing the surveys of Dr. Trask was passed, and his valuable reports thereon submitted to the Legislature.

The daily recurring discoveries of new fields of labor in the mining region, the necessity of obtaining permanent supplies of water, and the modifications in the manner of working the mines required by new developments in the geological character of the country, all to my mind, call for a continuance of the work of the geological survey. The labors of the geologist have, heretofore, been necessarily confined to the examination in general of the structure of the different districts, whether mining or agricultural; little opportunity in time or means being afforded for detailed observation. Besides, the work of a mining engineer, so inseparably

connected with a complete geological survey, in its suggestions for the economy of labor, the saving of valuable material now wasting for want of correct information as to its use, the devising of correct plans for carrying on mining operations in certain localities, the digging of wells for the supply of water, and the character of soils adapted to particular uses, requires the continuance to completion of so important an undertaking. In no State of the Union is this action so imperatively demanded as in California. Had she the mining journals, the mining stock associations, the geological correspondence and explorations of other lands, the importance of her mineral resources, and the inducements they offer to the investment of capital and permanence of population, would be increased a thousand fold, and her influence be felt where now it is but barely acknowledged. The taking of additional steps in this matter, I most earnestly recommend. The office of the State Geologist should have connection with that of the Surveyor-General, and the reports, specimens of metals, minerals and plants, diagrams, observations, &c., of the geological surveys should be on file in this office.

2. The specimens for a State Cabinet, collected by Dr. Trask, were in part received by Dr. Bates out of the cellars of the Capitol from the Secretary of State, and placed in a cabinet. During the past year I obtained this cabinet and the specimens from Dr. Bates, for arrangement, and they are now in the possession of this office.

While upon several tours taken during the last summer into the mining and agricultural regions, and across the Sierra Nevada, I made examinations of the geology of the country, and obtained a number of specimens for the State Cabinet, which I have added to those obtained from Dr. Trask, and reported by him; a list of which is hereto appended.

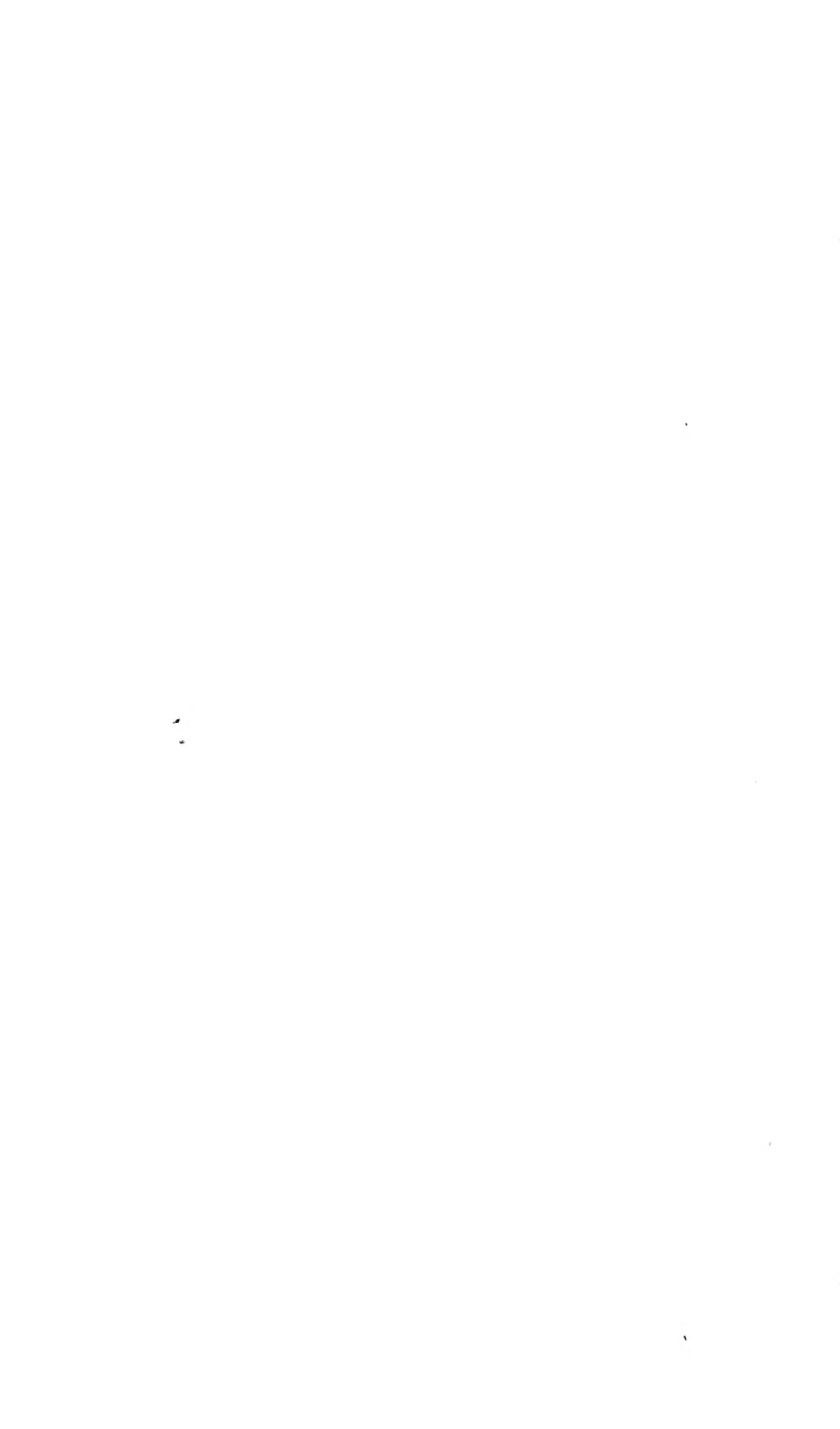
- 1 Gold in quartz, Nevada.
- 2 Gold in arsenical pyrites, Nevada.
- 3 Carbonate of Copper, Oregon Creek, Sierra county.
- 4 Lignite, " " "
- 5 Silicified Wood, " " "
- 6 Porphyritic Conglomerate, North Yuba, "
- 7 Greenstone, " " "
- 8 Granite, " " "
- 9 Basaltic Conglomerate, Truckee River.
- 10 Porphyritic " " "
- 11 Semi Opal, and (12) Agate, " "
- 13 Hematitic Iron Ore, " "
- 14 Specular Iron Ore, " "
- 15 Basaltic and (16) Feldspathic Lava, Pyramid Lake.
- 17 Volcanic Tufa, and (18) Scoriae, " "
- 19 Breccia, " "
- 20 Dolomite, " "
- 21 Fluorspar, 22, Feldspar, and (23) Tabularspar, Pyramid Lake.
- 24 Infusorial Clay, Mud Lakes.
- 25 Talcose Slate, North Fork, Mokelumne River.
- 26 Auriferous Quartz, West Point, Calaveras county.
- 27 Cellular " " "
- 28 Quartz Talc and Gold, " "
- 29 Talcose Slate and Gold, " "
- 30 Auriferous Pyrites, " "
- 31 Graphitic Slate, Calaveras River, "
- 32 Arsenical Pyrites, " "

- 33 Granite, and (34) Green Stone, Stanislaus River, Calaveras county.  
 35 Sienite, Stanislaus River, Calaveras county.  
 36 Agate, " "  
 37 Chlorite, " "  
 38 Vitreous Copper Ore, Hope Valley.  
 39 Carbonate, and (40) Sulphuret of Copper, Hope Valley.  
 41 Copper crystalizations, "  
 42 Fossil Wood, and (43) Fern Impressions, Cave city, Calaveras county.  
 44 Stalactites, and (45) Stalagmites, " "  
 46 Calcareous tufa, " "  
 47 Compact Limestone, " "  
 48 Crystalized Calcareous Spar, " "  
 49 Greenstone, and (50) Granite, Beard's Mills, El Dorado county.  
 51 Auriferous Quartz, " "  
 52 Crystalized Quartz, " "  
 53 Quartz Tale and Gold, Folsom, Sacramento county.  
 54 Native Sulphur, Geysers, Sonoma county.  
 55 Ammoniacal deposit on leaves, Geysers, Sonoma county.  
 56 Magnesia, " "  
 57 Peroxide, and (58) Protoxide of Iron, Sonoma, Sonoma county.  
 59 Infusorial Clay, Vallejo, Sonoma county.

## IX. STATISTICS.

1. As required by the Act "concerning the office of Surveyor General," I issued a circular to the County Surveyors, and one to the County Assessors, calling upon them to report to this office upon the various points of information required by the law, and also issued a circular to the Boards of Supervisors of each county, enclosing copies of the other circulars, directing their attention to the requisitions therein contained and calling for their co-operation. These will be found in the Appendix. There have been received at this office, for the year 1856, reports from

|                      |                 |                    |
|----------------------|-----------------|--------------------|
| J. W. Scott,         | County Surveyor | of Butte.          |
| C. D. Semple,        | "               | of Colusi.         |
| Daniel Small,        | "               | of Contra Costa.   |
| W. W. Bourland,      | "               | of Fresno.         |
| Joseph Seely,        | "               | of Humboldt.       |
| Henry Hancock,       | "               | of Los Angeles.    |
| Alfred D. Eastkoot,  | "               | of Marin.          |
| Erastus Kelsey,      | "               | of Merced.         |
| Thomas W. Long,      | "               | of Mariposa.       |
| John Day,            | "               | of Nevada.         |
| Nathaniel L. Squibb, | "               | of Napa.           |
| Thomas A. Yonng,     | "               | of Placer.         |
| James H. Whitlock,   | "               | of Plumas.         |
| Edwin A. Sherman,    | "               | of Sacramento.     |
| Irvin M. Stoddard,   | "               | of San Bernardino. |
| R. W. Groom,         | "               | of San Diego.      |
| J. J. Gardiner,      | "               | of San Francisco.  |
| George E. Drew,      | "               | of San Joaquin.    |
| Wm. Magee,           | "               | of Shasta.         |
| O. S. Dodson,        | "               | of Sierra.         |









|  |              |
|--|--------------|
| Ed. M. Stevens, County Surveyor of Siskiyou. |              |
| Phil. E. Drescher,                           | " of Sutter. |
| A. H. Stout,                                 | " of Tehama. |
| Wm. Mizis,                                   | " of Yolo.   |

The above, except those from Los Angeles and San Diego, which contain no statistical returns, will be found in the Appendix.

The Reports from the County Surveyors are more in number than ever heretofore has been the case, yet many were not received until a very late date and after several duplicate circulars had been issued. The Surveyors deserve much credit for the value and character of their Reports, inasmuch as they do not receive one dollar for this service, and are the most poorly paid class of public officers in the State. I might particularly commend many of the Reports, but only call attention to the suggestions contained in the Reports from Placer, Sacramento and Sierra, upon County Roads; from Placer, on the Eastern Boundary of the State; from Sacramento, on Swamp Lands; from Placer and Plumas, on the Immigrant Wagon Road; and from Tehama, upon the Improvement of the Sacramento river.

I would recommend that the laws be so amended that offices shall be furnished by the counties to the Surveyors, and the power be given them to administer oaths and take affidavits, when necessary for the performance of their official duties.

I would also ask, in their name, that a more judicious system of fees be adopted, by which their services would meet with a proper compensation. They should have the entire charge of County Roads and Public Improvements, or else be salaried and required to pay the fees charged into the County Treasury. At present, it is difficult for an Engineer of ability to earn a decent livelihood at the miserable pittance which the present fees afford to a County Surveyor for duties deserving a just and liberal recompense.

## 2. There have been received Reports for the year 1856 from :

|  |                     |
|--|---------------------|
| C. B. Breyfogle, County Assessor of Alameda. |                     |
| H. A. Eichelberger,                          | do Amador.          |
| Lansing Tooker, Deputy                       | do Butte.           |
| N. W. Dunn,                                  | do Colusi.          |
| Obed F. Alley,                               | do Contra Costa.    |
| H. W. Merritt,                               | do El Dorado.       |
| D. D. Williams, Deputy                       | do Humboldt.        |
| James H. Coleman, do                         | do Los Angeles.     |
| John C. Dodd,                                | do Marin.           |
| James W. Robertson,                          | do Merced.          |
| John R. Porter,                              | do Monterey.        |
| John McCoy,                                  | do Nevada.          |
| A. S. Smith,                                 | do Placer.          |
| E. Sterling,                                 | do Plumas.          |
| J. Foote Turner,                             | do Sacramento       |
| Jas. W. Rollins,                             | do San Bernardino.  |
| A. B. Smith,                                 | do San Diego.       |
| T. S. Stout,                                 | do San Joaquin.     |
| Fredk. Hillard, Deputy                       | do San Luis Obispo. |
| J. C. Bland,                                 | do Santa Clara.     |
| Thomas M. Davis,                             | do Santa Cruz,      |



|                                      |                |
|--------------------------------------|----------------|
| James C. Hayburn, County Assessor of | Shasta.        |
| A. J. McKinsey,                      | do Sierra.     |
| J. W. Thomas,                        | do Siskiyou.   |
| J. S. Jameson,                       | do Solano.     |
| Wm. G. Lee,                          | do Sonoma.     |
| E. B. Beard,                         | do Stanislaus. |
| D. H. Apperson.                      | do Sutter.     |
| Charles E. Fisher,                   | do Tehama      |
| D. W. Potter,                        | do Trinity.    |
| E. G. Sayle,                         | do Tulare.     |
| James P. Clough,                     | do Tuolumne.   |
| F. M. Davenport,                     | do Yolo.       |
| J. L. Cox,                           | do Yuba.       |

Returns from every county in the State have been received, either from the Surveyor or Assessor, or both, except from Calaveras, Klamath, San Mateo, and Santa Barbara. This is a more perfect return than has ever before been furnished, and its valuable information and public utility will be recognized by the slightest examination of the reports themselves in the appendix, or the statistical table and notes accompanying this report, which have been compiled with much care and labor.

### 3. REPORTS FROM OTHER SOURCES.

I am indebted to Mr. Alex. S. Taylor of Monterey, for the contribution upon the whale fisheries of Monterey.

I had received from Mr. Ernest Seyd, of San Francisco, some notes upon the native California silkworm, the *saturnia ceanothi*, and several specimens of spun silk of a superior quality from it. I was also promised a paper upon this interesting subject, but that not having been received, I can only call attention to this newly developed source of industry and wealth in our State, and recommend it to the fostering care of the government whenever a call may be made in its behalf.

Communications containing valuable information concerning the Immigrant Wagon Road and the Mountain Passes have been received from G. H. Goddard, C. E., on the Gibsonville Ridge, Mr. A. P. Chapman, of Downieville, on the Sierra Valley passes, and Mr. David Shepherd, of Murphy's, on the Calaveras route, which last I have incorporated in my own remarks.

A valuable set of tables of meteorological observations made by Dr. Gibbons, of San Francisco, has been received with the Report of J. J. Gardiner, County Surveyor of San Francisco.

All these will be found in the Appendix, and are deserving particular attention.

## 5.—RECAPITULATION.

| Agricultural Products, Live Stock,<br>Improvements, &c., &c. | TOTAL.                | Number of<br>Counties. |
|--|-----------------------|------------------------|
| Acres cultivated,  | 383,501 $\frac{1}{2}$ | 28                     |
| Acres of Wheat,  | 138,080 $\frac{1}{2}$ | 26                     |
| Bushels “  | 2,897,036             | 26                     |
| Acres of Barley,   | 128,004               | 25                     |
| Bushels “  | 3,216,567             | 25                     |
| Acres of Oats,   | 27,678 $\frac{1}{2}$  | 25                     |
| Bushels “  | 846,566               | 20                     |
| Acres of Rye   | 266                   | 7                      |
| Bushels “  | 6,516                 | 6                      |
| Acres of Buckwheat,  | 1,083                 | 8                      |
| Bushels “  | 17,251                | 7                      |
| Acres of Corn,   | 9,147 $\frac{1}{2}$   | 22                     |
| Bushels “  | 165,066               | 14                     |
| Acres of Onions,   | 449 $\frac{1}{2}$     | 9                      |
| Bushels “  | 54,310                | 9                      |
| Acres of Potatoes,   | 11,834 $\frac{1}{2}$  | 19                     |
| Bushels “  | 764,903               | 17                     |
| Acres of Beans,  | 9,582 $\frac{1}{2}$   | 13                     |
| Bushels “  | 18,072 $\frac{1}{2}$  | 9                      |
| Acres of Peas,   | 1,309 $\frac{1}{2}$   | 9                      |
| Bushels “  | 26,153 $\frac{1}{2}$  | 9                      |
| Acres of Sweet Potatoes,                                     | 161                   | 3                      |
| Bushels “  | 33,614                | 5                      |
| Acres of Tobacco,  | 3                     | 2                      |
| Pounds “   | 1,000                 | 1                      |
| Tons of Hay,   | 69,947 $\frac{1}{2}$  | 19                     |
| Pounds of Butter,  | 452,173               | 8                      |
| do Cheese,   | 246,113               | 8                      |
| do Wool,   | 248,982               | 8                      |
| Acres Broom Corn,  | 252                   | 6                      |
| Number of Horses,  | 88,805                | 34                     |
| do Mules,  | 17,328                | 29                     |
| do Asses,  | 1,343                 | 20                     |
| do Stock Cattle,   | 381,041               | 25                     |
| do Cows,   | 89,807                | 25                     |
| do Calves,   | 42,956                | 17                     |
| do Neat Cattle,  | 33,641                | 11                     |
| do Oxen,   | 25,073                | 22                     |
| do Sheep,  | 199,346               | 30                     |
| do Goats,  | 3,030                 | 16                     |
| do Hogs,   | 146,873               | 33                     |
| do Chickens,   | 128,805               | 10                     |
| do Turkeys,  | 2,909                 | 7                      |
| do Ducks,  | 463                   | 5                      |
| do Geese,  | 154                   | 4                      |
| Number of Apple Trees,                                       | 264,371               | 19                     |

|  |             |    |
|--|-------------|----|
| Number of Peach Trees,                 | 576,652     | 18 |
| do Plum,                               | 16,431      | 12 |
| do Cherry,                             | 14,413      | 12 |
| do Pear,                               | 26,146      | 16 |
| do Grape Vines,                        | 1,311,356   | 19 |
| do Pine Apple,                         | 87          | 1  |
| do Strawberry,                         | 17,122      | 2  |
| do Currant,                            | 23,520      | 7  |
| do Gooseberry,                         | 2,112       | 4  |
| do Raspberry,                          | 1,090       | 2  |
| do Nectarines,                         | 1,367       | 4  |
| do Quince Trees,                       | 4,278       | 9  |
| do Almond,                             | 349         | 9  |
| do Apricot,                            | 11,044      | 10 |
| do Fig,                                | 3,981       | 11 |
| do Aloes,                              | 9           | 1  |
| do Citron,                             | 12          | 1  |
| do Lemon,                              | 60          | 1  |
| do Orange,                             | 4,351       | 1  |
| do Olive,                              | 570         | 2  |
| do Pomegranate,                        | 1,354       | 1  |
| do Walnut,                             | 960         | 2  |
| do Prune,                              | 12          | 1  |
| do Persimmon,                          | 6           | 1  |
| do Chinamoya,                          | 14          | 1  |
| do Pecan,                              | 3           | 1  |
| do Filbert,                            | 4           | 1  |
| do Fruit trees, kind not<br>specified, | 160,540     | 6  |
| do Steam Flour Mills,                  |             |    |
| do Water do,                           | 28          | 12 |
| Total,                                 | 26          | 10 |
| Run of Stone,                          | 76          | 23 |
| Steam Saw Mills,                       | 87          | 12 |
| Water "                                | 99          | 17 |
| Total "                                | 101         | 12 |
| Quartz Mills,                          | 323         | 22 |
| No. of Mining Ditches,                 | 58          | 12 |
| Length in Miles,                       | 316         | 8  |
| Value of same,                         | 3,210       | 12 |
| No. of Bridges,                        | \$5,248,490 | 10 |
| No. of Ferries,                        | 93          | 11 |
|  | 90          | 13 |
| Total Fruit Trees,                     | 1,087,014   |    |
| Total Grape Vines,                     | 1,311,356   |    |
| Total Smaller Fruit,                   | 43,844      |    |

## 6. STATISTICAL NOTES.

## ALAMEDA COUNTY.

Beets, turnips and other garden vegetables, 568 acres ; strawberries, 38 acres ; apple orchards, 426 acres ; peach orchards, 173 acres ; vineyards, 34 acres ; 40 miles of telegraph in operation ; several Artesian wells, 178 to 600 feet deep.

## AMADOR COUNTY.

35,865 acres of land claimed for agricultural purposes, of which amount 5,649 are under *actual* cultivation ; 228 acres of vegetables, embracing every variety produced in the State ; 1 iron foundry ; 2 tanneries ; 4 breweries ; 3 soda factories ; 1 broom factory ; valuation of taxable property \$1,828,792 ; taxes thereon \$24,140 10.

## BUTTE COUNTY.

Osage orange, 15,000 acres ; cabbage, 50 acres ; 260 wagons and carts ; 34 carriages and buggies ; several quartz mills ; assessed property \$2,315,928.

## COLUSA COUNTY.

10,165 acres of land under cultivation ; average number of bushels of wheat raised per acre, 23 ; average of barley, 26 bushels per acre ; 25 acres of melons, &c. ; 4½ acres of grape vines ; 2 steam grist and saw mills, 2 run of burrs each ; cost \$12,000 each ; can turn out 100 barrels of flour every 24 hours.

## CONTRA COSTA COUNTY.

Area, 175,000 acres ; 12,657 acres under cultivation ; 200 acres of vegetables ; 170 acres of nurseries ; 140 acres of vineyards ; 17 bridges, at an average cost of \$300 each ; 1 ferry company, capital \$50,000 ; 3 steam saw mills, capital \$10,000 ; 1 steam flouring mill, capital \$8,000.

## EL DORADO COUNTY.

12,000 acres of land inclosed for agricultural purposes ; value of animals slaughtered, \$450,000 ; value of poultry, \$7,000 ; 19 steam saw mills, cost \$108,800, present value \$44,550 ; 14 water saw mills, cost \$41,900, present value \$28,200 ; lumber sawed per month, 3,500,000 feet, worth from \$15 to \$28 per M ; 8 water and 6 steam power quartz mills, cost \$90,000, present value \$30,300, crushing 98 tons per day, yielding from \$12 to \$80 per ton ; expense of working, \$10 to \$15 per ton ; 9 lime kilns ; 2 marble quarries ; 3 tanneries ; 10 brick kilns ; 6 breweries ; 5 soda water factories ; between 300 and 400 tons of ice raised this year ; 25 miles of turnpike connected with and 6½ miles not connected with toll bridges ; 20 toll bridges, cost \$125,000, present value \$96,500 ; 8 toll bridges, one-half in Sacramento and Placer Counties. A very rich copper and silver mine discovered this year, in Hope Valley, near the eastern boundary of the county.

## FREZNO COUNTY.

2 vineyards; 1 artesian well; animals slaughtered, 1,872; value of poultry per dozen, \$6; eggs, \$1; value of barley, wheat and oats, per lb, 6 cents; of Indian corn, 10 cents; of vegetables, 4 to 10 cents; value of hay per ton, \$50.

## HUMBOLDT COUNTY.

Area, 300 square miles; 20,000 acres settled by pre-emption and otherwise; 10,000 acres under cultivation; swamp and overflowed lands purchased from the State, about 2,000 acres.

## LOS ANGELES COUNTY.

Acres of land assessed, 1,003,930, excluding lands for which the occupants have no government titles as yet; value of same, \$589,801; value of improvements thereon, \$687,870; value of personal property, \$1,213,079; number of persons subject to military duty, 900; 1 artesian well, 800 feet deep, but no water as yet.

## MARIN COUNTY.

Area, 700 square miles; 30,000 acres of land under cultivation; very little swamp lands, but several thousand acres of "salt marsh;" Indian corn, nearly all destroyed by blackbirds; 1 paper mill, water power—cost, about \$50,000; 3 roads surveyed.

## MERCED COUNTY.

10,900 acres under cultivation; 800 acres of melons and other vegetables; several hundred fruit trees; 3 grist mills; 3 ferries.

## MONTEREY COUNTY.

768,991 acres of land assessed; 5,450 acres under cultivation; 250,000 acres susceptible of cultivation; taxable property, \$1,800,182; vehicles, 183, vegetables, 1,070 acres; 2 apple and pear orchards, value \$11,500; tropical fruits in great variety; 1 vineyard, containing 6000 grape vines; granite shipped to San Francisco, value \$125,000; 2,500 cords of pine wood shipped to San Francisco, value \$27,000.

## MARIPOSA COUNTY.

800 apple and peach trees; 1,000 grape vines; 250 tons hay; eggs, \$1 per dozen.

## NEVADA COUNTY.

35,000 acres of land pre-empted, 6,000 acres under cultivation; gold produced, \$7,000,000; 5 tanneries; 4 steam pumps for draining quartz leads; 48 saw-mills capable of cutting two hundred thousand feet of lumber per month, valued at \$30 per thousand; 2 flouring mills capable of making one hundred barrels of superior

flour per day of 12 hours ; assessed valuation of property \$2,518,515, to which will be added a supplementary roll of about \$500,000.

#### PLACER COUNTY.

12,000 acres of land inclosed ; 5,844 acres cultivated ; assessed value of taxable property, \$2,200,000 ; 1 lime kiln ; 2 quartz mills ; 21 saw mills, value \$90,000 ; saw over 12,000,000 feet of lumber per annum ; value, \$2,500,000.

#### PLUMAS COUNTY.

21,940 acres of land claimed, 2,500 acres under cultivation, 50 acres garden vegetables ; 2 grist-mills, value \$30,000.

#### SACRAMENTO COUNTY.

Aggregate value of property, \$10,590,653 ; land cultivated, 6,991 acres ; 5,720 bushels turnips ; 1,866 bushels carrots ; 152,700 pounds cabbage ; 15,735 pounds beets ; 23,500 dozen eggs : fruit, melons &c., valued at \$19,500 ; 31,360 animals slaughtered, value \$556,320 ; 7 steam Grist mills, capital invested \$86,000 ; value of products \$1,111,500 ; cost of grain, grinding &c. \$1,035,250, nett income, \$76,250 ; 2 iron foundries ; 7 breweries ; 7 soda factories ; 79 carriage factories ; 1 pick factory,—brick kilns and yards ; 3 broom factories ; 2 potteries ; 2 soap and candle factories ; 5 sash and blind factories ; 2 stone and marble yards ; 1 Gas works ; 200 men employed in fishing ; 2 telegraph lines, 44 miles in length ; 1 railroad, 22 miles in length, cost of construction and running stock, \$1,100,000, average receipts per day \$475, cost of running per day \$200, nett profit per day \$275 or \$100.375 per annum ; amount of gold produced \$2,010,000, cost of working, water &c. \$362,400 ; nett proceeds for labor \$1,647,600, 345,000 days work done per annum, making an average of \$4.77 for each day's work.

#### SAN BERNARDINO COUNTY.

10 ranchos ; 1 distillery, cost \$3000, and can manufacture 100 gallons of whisky per day ; 1 tannery ; 1 Artesian well commenced ; 14,000 dozen eggs.

#### SAN DIEGO COUNTY.

Area 8,500,000 acres ; 20,000 pounds grapes ; value of poultry \$2000 ; coal has been discovered and the mine is now being worked, in a stratum  $4\frac{1}{2}$  feet thick at 86 feet from the surface ; the cultivation of cotton and sugar cane has been commenced with every prospect of success.

#### SAN FRANCISCO COUNTY.

Area, 22,040 acres ; 7,000 acres capable of cultivation for small grains ; 1,000 acres suitable for gardens ; 10,000 acres pasture land ; 3,000 acres drifting sand ; 1,000 acres occupied by the city of San Francisco, and 140 acres of fresh water lakes ; 1,500 acres under cultivation.

## SAN JOAQUIN COUNTY.

Tule land, 371,200 acres; tillage land, 554,920 acres; grazing land, 314,600; 15 acres beets; 16 acres carrots; 56 acres parsnips and turnips; cabbage, pumpkins and melons, 154 acres; value of poultry, \$6,971; value of eggs, \$8,230; 4 grist mills—cost of two of these, \$81,000.

## SAN LUIS OBISPO COUNTY.

About 500,000 acres of grazing and tillable land; coal supposed to exist.

## SANTA CLARA COUNTY.

Land enclosed, 60,000 acres; 20,000 acres under cultivation; 249,679 acres of land assessed; value of same, \$1,977,265; value of improvements on same, \$704,380; value of town lots, \$406,369; improvements on same, \$561,975; value of personal property, \$1,794,688; 1,666 persons subject to military duty; 120 artesian wells, varying in depth, from 50 to 450 feet, and in temperature, from 60 to 90 degrees; 2 quicksilver mines; 3 mineral springs; 1 iron foundry.

## SANTA CRUZ COUNTY.

Area, 537,600 acres; acres of land cultivated, 18,229; acres of land taxed, 161,228; value of same, \$441,070; value of improvements, \$232,818; value of personal property, \$495,353; 1 shingle mill, cutting 100,000 shingles per week; 1 quartz mill; annual manufacture of lime, 30,000 barrels.

## SHASTA COUNTY.

Land claimed, 30,515 acres; inclosed, 18,431; under cultivation, 7,748 acres; 2 grist mills, cost \$28,000; 15 saw mills, cost \$70,900; 2 quartz mills, cost \$40,000.

## SIERRA COUNTY.

500 acres cultivated, chiefly growing potatoes; yield of mines, \$6,000,000; cost of goods consumed, \$3,000,000.

## SOLANO COUNTY.

2,500 barrels lime shipped; 75 tons marble; there will be manufactured, this year, 20,000 barrels of flour.

## SIKIYOU COUNTY.

Agricultural land, 75,000 acres; land under fence, 9,096 acres; under cultivation, 13,204 acres; swamp and overflowed lands, 25,000 acres; assessed value of real property, \$1,895,805; of personal property, \$842,140; 5 main water ditches; length, 129 miles; value, \$313,000; also several smaller ditches; aggregate value, about \$25,000; 13 saw-mills, cost \$68,000; 4 grist mills, cost \$90,000; 1 quartz mill cost \$30,000; assorted vegetables, about 830 acres animals slaughtered, 9,850.

## SONOMA AND MENDOCINO COUNTIES.

Land inclosed, 40,000 acres; under cultivation, 25,000 acres; 46 acres rye, for experiment; grows fine and yields well; 5 steam and 2 water power saw-mills; can saw 100,000 feet per day; 5 water-power flouring mills.

## SUTTER COUNTY.

Area, 400,000 acres; 150,000 acres adapted to tillage; 82,000 acres subject to overflow and used for grazing; 50,000 acres, hilly grazing; in cultivation, 9,000 acres; swamp and overflowed lands, 90,000 acres; vegetables, 237 acres; black-berry vines, 40; grapes, 12,000 pounds; value of poultry, \$11,000; of eggs, (38,142 dozen) \$22,885 20; value of animals slaughtered, \$35,400; 15 miles telegraph; 1 artesian well, 250 feet deep.

## TEHAMA COUNTY.

Amount of property in the county, \$1,366,575; 380 tax payers; 30,000 bushels of wheat raised this year on the Indian Reservation; 300 acres of vegetables; one distillery, cost over \$12,000, can manufacture 500 gallons of whisky daily.

## TRINITY COUNTY.

26,921 acres of land pre-empted, 8,213 acres adapted to tillage, 40,617 acres adapted to grazing, 935 acres swamp and overflowed, 176 $\frac{1}{2}$  acres assorted vegetables, 11 acres millet, 88 $\frac{3}{4}$  acres clover and timothy; 4,708 animals slaughtered; value of eggs, \$30,245; 5 expresses; 72,844 ounces gold dust bought yearly; 2 weekly newspapers, 3 schools, 3 churches, 2 theaters, 1 tannery. 4 brick-kilns, 18 varieties of timber; bituminous coal is found; also rhodium, platina, and silver in small quantities.

## TULARE COUNTY.

Productions of this county are barley, wheat and potatoes; live stock, 25,000 head, consisting of horses, mules, cattle and hogs.

## TUOLUMNE COUNTY.

Acres of land claimed, 36,289; inclosed, 20,100 acres; under cultivation, 9,800 acres; assessed value of real estate, \$324,100: improvements, \$1,012,448; personal property, \$1,259,610; value of animals slaughtered, \$248,319; value of melons, \$51,000; value of cabbage, \$48,172; value of poultry, \$6,000; value of eggs, \$2,000; 3 quartz mills, cost \$40,002; 10 mule arastras, cost \$12,000.

## YOLO COUNTY.

150,000 acres of land susceptible of cultivation, about 30,000 acres under cultivation; swamp and overflowed lands 175,000 acres, more or less, part being *at times* valuable for grazing purposes; 100 acres of cabbage; 75 acres of broom corn; value of animals slaughtered \$202,210: 3 steam Grist mills; 5 run of stone.



## YUBA COUNTY.

19,000 acres of land under actual cultivation ; assessed value of taxable property \$5,647,672 ; 7 steam power and 19 water power saw mills, manufacturing 9,160,000 feet of lumber, worth \$164,880 ; 3 Quartz mills, assessed value \$226,000 ; 1 water power and 5 steam power Flouring mills, 16 run of stone, cost \$68,000 and made 52,900 barrels of flour this year ; 108 miles of ditches, assessed value \$226,000 ; 9 toll bridges, value \$58,750 ; 8 ferries, value \$10,700 ; 2 incorporated turnpike companies, 71 miles of road, cost of construction \$35,000 ; 2 assay offices, assayed \$1,610,000 in six months : amount of gold received at banking houses this year \$8,548,000.

## X. CLAIMS.

In appendix will be found the account of Mr. Mock, County Surveyor of Sonoma County, for the survey of the boundary line between Sonoma and Marin Counties, made under my instructions, in accordance with the Act of the Legislature, passed Feb. 23d, 1856, defining said line. The amount is \$754 92, which I recommend to be paid ; the requisitions of the Act and instructions having been complied with.

Also, the accounts of Mr. Geo. H. Goddard, Civil Engineer, for services performed under my predecessor, which have not yet been paid. They are certified to be correct by my predecessor. I have been asked to thus present them for payment ; and can merely say that in my opinion they are a just claim against the State.

The accounts proper of this office are transmitted to the Controller.

Other survey claims are due, but the accounts have not been received. On their arrival I will transmit them at once to the Legislature.

## XI. THE SURVEYOR GENERAL'S OFFICE.

It is required of the Surveyor General, by law, to perform a greater number of multifarious duties than any other officer in the State, and those duties, too, of a character requiring the services of an able and educated engineer. Yet he has been for three years past compelled to attempt the performance of these duties, without adequate means to insure their fulfillment, either by himself in person or through any experienced assistant. His salary of \$2,000 in State scrip, equivalent to \$1,200 in cash, "less than the pay of a page or a porter in the Legislature," and much below what a suitable officer should command for one-fourth the labor, prevents that prompt and efficient performance of duty which every engineer who values his reputation desires to accomplish.

During the past year the contingent fund of this office has been necessarily diverted in part from its true direction, for the payment of rent of office and part of clerk hire. It is necessary to have at least one competent clerk constantly in the office, and I recommend and ask that appropriation be made therefor as for the other offices of the State and for the payment of office rent. If it is expected of the Surveyor General to perform his strict duty in fulfilling the requirements of the various laws affecting his office, a salary and appropriations should be given in a spirit of justice and liberality, sufficient to enable him to do so, else it would be far better for the State and the entire profession of Engineering that the office be at once abolished. I would also recommend that the power of administering oaths and taking affidavits in the course of his official duties be conferred on the Surveyor General and his deputies.

All of which is respectfully submitted.

JOHN A. BREWSTER,  
Surveyor General.





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IN ASSEMBLY.]

[EIGHTH SESSION.

SIXTH ANNUAL REPORT

OF THE

SUPERINTENDENT

OF

PUBLIC INSTRUCTION,

OF THE

STATE OF CALIFORNIA.

[JAMES ALLEN, STATE PRINTER.

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## REPORT.

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*To the Senate and Assembly of the State of California :*

The Framers of the Constitution of the State of California, in following the national behest of the country, made liberal and careful provision for the education of her citizens. They required the Legislature to "Encourage by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement."

To accomplish this they placed at the disposal of the representatives of the people :

First—500,000 acres of public lands, granted by Congress for purposes of Internal Improvement, but diverted by the Constitution to the use of Schools.

Secondly—All escheated estates.

Thirdly—The 16th and 36th sections of public lands subsequently granted by Congress, being the one eighteenth portion of all the soil of California, in value not less than six millions of dollars, if realized within a reasonable time.

These are devoted as a perpetual fund, to be "inviolably appropriated to the support of Common Schools throughout the State."

Fourthly—Lands granted by Congress for the use of a *University*, with the directory provision that, "It shall be the duty of the Legislature, *as soon as may be*, to provide effectual means for the improvement and permanent security of the funds of said University."

We are now in the eighth year since the adoption of the Constitution, and we may profitably perhaps, take a brief review of the fulfillment of its provision in respect to education.

At the first session of the Legislature after the adoption of the Constitution, (1850) provision was made for the election of a Superintendent by the people. At the second session, (1851) an Act was passed in relation to Common Schools, which contained provisions for the Government to procure a survey of the *School Lands*, "at as early a day as practicable." That it shall be the duty of the surveyor employed, "To lay off *all the School Lands*, in the agricultural regions into lots not exceeding 80, nor less than 40 acres," with provisions for city lots, &c. "That the Surveyor shall furnish the Superintendent of Public Instruction with a schedule of his survey, and deposit a similar copy in the office of the Secretary of State." And that, "All or any portion of the School Lands within any county, may be sold at auction to the highest bidder, upon an order from the Court

of Sessions, upon an order from the Court to the Superintendent of Public Instruction for that purpose." That the order shall be preceded by a vote "of two-thirds of the legal voters of such county in favor of the sale at the annual county election."

The proceeds were directed to be paid to the County Treasurer, and by him to the State Treasurer, and be credited to the State School Fund. This Act applied then to the donation of 500,000 acres only, and not to subsequent donations made by Congress; and under this Act, no survey or sale was made.

The Act was repealed by the session of 1852, and the now existing provisions for the sale of the 500,000 acres enacted; resulting in the sale by School Land Warrants of 233,120 acres, producing the existing fund of 466,240 dollars, received from that source up to the present time, upon which is semi-annually drawn three and a half per centum of interest, and disbursed to the schools of the State. By this latter Act, the Superintendent was divested of all power in the premises.

No apportionment of the School Fund was authorized till the 1st of January, 1854, when I distributed to fifty-one schools fifty-seven teachers and ten thousand nine hundred and fifty-three pupils resident, \$53,511 11. The session of 1854, provided that one-fourth of the net receipts into the State Treasury from poll tax be placed in the Common School Fund. This with the interest above-named, now constitutes the only revenue of any importance to the State School Fund.

On the 1st of January, 1855, there was paid from the State Treasury \$38,987 62. On the 1st of July, 1855, and 1st January, 1856, \$52,827 81, and on the 1st July, 1856, and 1st January, 1857, \$83,106 17—making a total of \$227,532 71, paid from the State Treasury, for the support of the schools of the State during my term of office.

A grave question arises, under the recent decision of the Supreme Court, whether all the "State scrip or Controller's Warrants," received as provided by the Act of 1852, for School Land Warrants, have that value as a State indebtedness, that is presented upon their face. That most of them were legally issued there can be little question; but as they are required to take the character of the bonds of the Civil Funded Debt of the State, issued without other scrutiny of value than that apparent on the face of the warrant; it appears to me, that if the Legislature fail to provide means of such a character as will meet the approval of the people, to change the existing equitable into a Constitutional indebtedness of the State; that this School Fund, though provided by the Constitution to be inviolate, will be seriously jeopardized if not totally lost.

The prudent and economical disposition of Legislative action, and a just and proud contempt of the charge of repudiation, upon the most enterprising people of the globe, forbid the anticipation of any such calamity to the schools.

The Act of the session of 1855, in respect to School Lands has been thus far, but a "dead letter," and requires material amendment if not entire change. It is totally short of the necessities of the case. In a circular to the County Superintendents, issued on the 1st of July last, I remarked, "It is important where the United States surveys permit it, to register the School Lands within and belonging to your county, their situation and probable value, bearing in mind, that where the 16th or 36th sections of each township of thirty-six sections, or either of them was settled upon before United States Survey, that we are entitled to select instead of them, from 'any unappropriated lands within the land district.' The Act of Congress does not confine us to the township or adjoining township, as provided by the Act of our Legislature. Where you can ascertain the State of the School Lands within your county you will report the same to this office."

The following is the only response received in relation to this subject, whilst every county in the State *should* be aroused to a like appreciation of its importance.

BUCKSPORT, Humboldt County, Nov. 20th, 1856.

HON. PAUL K. HUBBS,

State Superintendent of Public Instruction:

DEAR SIR:—In some of your communications to me, I am requested to furnish you information in regard to the character and value of the 16th and 36th sections of surveyed lands in our county. I have taken some trouble to accomplish this, and send the following:

We have in this county eight townships surveyed, giving 16 sections for Common School purposes.

Of these 16 sections—

2½ are claimed, and of course they will have to be re-located.

5½ are comparatively worthless, lying far in the red-woods, partly in the ocean, on marshes, or on bald mountains. For many years they may be considered worth nothing. But,

8 sections are very good lands, embracing a variety of pasturage, tillage and timber, and some fine lumbering opportunities. And what is a little more remarkable for this county, one section which is very accessible to the bay and ocean, it being distant less than five miles, has a very large ledge of granite upon it, which has never been worked nor properly tested.

Taking the last named eight sections together, my own judgment is, that they are worth \$1 25 per acre, and that if a law were passed authorizing some proper officer, *in the county* to manage them for school purposes as pertaining to the county, that the whole eight sections and two and a half more to be re-located, may be easily made within a reasonable time to net the average of \$1 25 per acre for school purposes. This would make the sum of \$8,375 as a county school fund, the interest of which would be \$837 50 per annum, to be expended in the county for school purposes, in addition to the present sources of school revenue. Should the State Superintendent recommend the passage of a law for the disposition of these school lands, permit me to suggest:

1st. That the proceeds go not into the State School Fund. Nor,

2dly. That townships be authorized to manage the two sections located in each; but,

3dly. That each county should be fully authorized to manage the two sections of each township for school purposes among themselves, under some general provision of law securing the perpetuity of the Fund and expending only the interest. From past experience and observation I feel quite sure that this plan will inspire more wholesome emulation on the subject than any other disposition that can be made of them.

The above estimate you will perceive contemplates only eight townships at present surveyed. How many more will hereafter be surveyed I am unable to state with accuracy. We have large portions that will not be surveyed for half a century. But from a tolerably accurate knowledge of the topography of the county I think myself safe in estimating, that in a very brief lapse of time, about twenty-five townships will be surveyed in this county. Thus I can satisfactorily see, that a county school fund of over \$20,000 may be secured even in this county, and probably some counties in the State will more than treble it. This is a great interest to be cared for, involving the progressive educational advantages of our whole State, and I trust the State Superintendent will not see it hazarded.

Respectfully, your obedient servant,

A. J. HUESTIS,

County Superintendent of Common Schools,

Humboldt County.



This is truly a very important matter. I take the liberty of giving a short extract from my previous report on this and other subjects of pressing necessity for consideration.

"All the lands within our boundary have been by Act of Congress virtually declared public domain, subject to confirmation of grants made by the Mexican Government to the several claimants under inchoate titles. The Act of Congress in relation to survey and pre-emption, (March 3d, 1853,) provides, that two sections of every thirty-six, when surveyed, be set apart for the school purposes of the township. That where the 16th or 36th section has been settled upon before survey, or "taken by private claims," other lands shall be selected by the proper authorities of the State in lieu thereof," agreeably to the provisions of the Act of Congress approved the 20th May, 1826, entitled, "An Act to Appropriate Lands for the Support of Schools in certain Townships and fractional Townships not before provided for, and which shall be subject to approval by the Secretary of the Interior." The Act of May 20th, 1826, requires the selections in lieu of the 16th or 36th section or fractional townships, to be made from "any unappropriated public lands within "the *land district*, where the township for which any land may be selected, may be situated."

I respectfully recommend that so much of the Act of the session of 1855 as limits the selections in lieu of the 16th or 36th sections, and of fractional townships, to be made from "the township," or "adjoining township," be repealed, and that the limitation be applied in accordance with the Act of Congress, to "any unappropriated public land within the *land district*." The selections may then chance to be made from lands of value, instead of taking the worthless land that remains unoccupied in the township or adjoining township.

With regard to the proper legislation in respect to the *disposition* of the township school lands, I respectfully refer to the various Acts of Congress quoted in my last Annual Report, (Doc. 4, Assembly Journal, 1855,) and to the proposed changes in the law hereinafter named.

I respectfully recommend that all the school property in lands or otherwise, be placed under the immediate charge of the State Board of Education, with proper powers and restrictions in respect to selection and disposition of such as do not belong to the township; and that the township school lands be placed under charge of the Township Trustees or Commissioners, elected one in each year, to serve three years, in the manner proposed in the last Annual Report from this Department—placing upon the Trustees such restrictions, and clothing them with such powers as a body corporate may best exercise to the advantage of the schools.

The experience of the last two years in respect to the school property has strongly confirmed me in the opinions I had the honor to submit to the Legislature of 1854, a part of which, as immediately applicable, are here quoted from Doc. 6, Assembly Journal, 1854:

"The interest only of the School Fund can be used, and hence I suggest that the settlers on the 16th and 36th sections, who choose to decline the exercise of their pre-emption rights with the U. S. Government, be permitted, with consent of the Township School Commissioners, to file their bonds to the township, with lien upon the lands, providing for the payment of \$1 25 per acre after — years, and paying *in advance* each year, the interest upon the same, at the rate of ten per cent. per annum, to the proper officer, for township school purposes."

Thus, if the whole of the school lands in each township of 36 sections be settled upon, they would produce to the township (six miles square,) the annual interest (on best security,) of \$160 on \$1,600 of capital.

Each township of six miles square may be expected to maintain a school, and

this sum, though small, would be sensibly felt in the rural districts of the State, being applied only to cases where the Town School Commissioners deem it preferable to locating elsewhere their two sections. It must be borne always in mind that the 16th and 36th sections belong peculiarly to purposes of education within the township, and cannot properly go to the State Fund. An Act to regulate the manner of proceeding in this relation becomes imperatively necessary. It may be expected that the people of the township immediately interested will, better than anybody else, husband the small means provided, and they should be sustained by the necessary enactments of law.

Provision should be made in every township now established, and in every township of six miles square, as soon as surveyed, not only for the election of School Commissioners, but also for the levying of such rates of taxation as they may deem necessary to support one or more schools. *free of charge to all children within the township.* This should be made imperative, and in the event of any township failing to take such action, it should be made the duty of the County Supervisors to fix the rate of taxation for school purposes within the township so neglecting the duty.

An Act amendatory to the existing law comprising the above named, as well as an amendment providing that the school moneys shall be distributed in proportion to the *average attendance*, instead of the number resident, I deem of pressing importance to the success of the system. Under existing law, it is made the interest of the schools established within a district, to prevent the establishment of others to share the funds.

The inquiry—What shall be done in respect to the remaining 268,820 acres of the 500,000?—I should answer in this way. I would suggest that the Act of 1852, for the disposition of these lands, be so modified as to reduce the price to \$1 25 the acre, payable within — years to all actual settlers, payment to be secured to the School Fund; and the failure to pay ten per cent. per annum interest, *in advance*, to the County Treasurer of the county wherein the land may be situated, and the forwarding of the Treasurer's duplicate receipt therefor to the Controller of the State, to be charged against him, should work a forfeiture, and subject the land to sale for the use of the School Fund, to the highest bidder. I would further suggest, that parties locating and not occupying, should pay — dollars the acre, in cash or State securities, or within — years; and that upon the payment of the interest of ten per cent., one year in advance, or cash, or State securities, they receive certificates of ownership, entitling them to register as the agents of the State, and providing therein for a forfeiture of title by non-payment of the subsequent annual interest, in advance, as before suggested.

The SCHOOL FUND remains an aggregate of about the same amount as it was three years since. The insignificance of the income from this amount when divided among forty-two counties, containing over four hundred school districts when properly organized, is calculated to retard, if not to prostrate the whole system of education. Nothing has prevented this long ago, but the active and able manner in which the County Superintendents, Trustees and teachers of schools, aided by other good citizens, have discharged their thankless duties. Not the slightest amount of taxation is asked at your hands, but we ask from you who hold the power, to transfer so much as of right belongs to the township; to the *people* of the township. The income from the sale of the lands in each township, as elsewhere expressed, would be of infinite service to the people resident, who beyond all others are most capable of husbanding the proceeds.

I respectfully recommend to :

First—Legislate the school property of the township into active ownership of the the people of the township, who *alone*, under the Act of Congress, can receive the

proceeds of the sales of the Township School Lands; the sixteenth and thirty-second sections.

Secondly—To ask from Congress the privilege for the people resident within the townships not sectioned, and which probably never will be, to locate their two sections in same manner as provided for the location of those falling upon adjudicated Mexican grants, *viz* : upon any other public and unappropriated lands within the land district.

Thirdly—To amend the Act of May 7th, 1855, by providing for selection from other lands "within the Land District," as provided by Congress already; or what would be much better, to provide a new—more practical and less complicated law system; including the grant to the people of the townships of their own lands—dispense with all redundancy of officers, simplify and economize the expenditure as recommended from the Department in every annual report made during my term.

Fourthly—To create the UNIVERSITY, and provide by the sale of the lands devoted to it, and by all other necessary means for its maintenance. That it be the great *High School* to the Public Schools of our State, embracing the usual collegiate studies with a *School for agriculture*, where the cultivation of the soil may be learned practically and scientifically, and be made a sustaining power to the University. It would be unworthy the great State of the Pacific border, not to have her own *Military School*, which may be made a self-sustaining institution under proper management of the Regents of the University. The physical powers may thus, through the exercises of the agricultural and the military schools, be made to keep pace with the mental labor of the student.

Fifthly—To encourage, as far as possible by legislative aid, the creation and maintenance of *colleges* of learning everywhere within the State. There is no better criterion of the prosperity of a State—of the devotion of her people to law and the proper administration of law, than the success or the decline of her schools.

## MANAGEMENT OF THE SCHOOLS.

I recommend a Legislative requirement that the same elementary books be used in each school. Our schools have been made the receptacle of the cast off Atlantic publications too long, and measures of more energetic character must be pursued to check this intolerable tax upon the young and vigorous intellect. The books should be carefully decided upon by the State Superintendent, and no school recognized as a public school, that failed without good reason, to use the books designated. Within a few years past, the newly adopted publications in etymology, grammar, and geography especially, surpasses all precedent, and afford to the young pupil a great release from his former maze of research. Especial care is also requisite in Trustees supervision, that no improper publication be introduced.

During the late contest for the Presidency, I received a package of publications, made under the patronage of a distinguished Board of Education, and intended in part for the use of schools. They were so partisan and sectional in character, that I found it my duty to reply to the gentlemanly communication accompanying them, and to utter the opinion that any such action was dangerous to the great object of educating the young men and young women of the Republic. I very much fear that the redundancy of a spirit to override the great charter of the Union of the States, so superabundantly developed in the late political contest, has been produced in great degree by early training in some of the schools, to false views of the Constitution of our country, and of the habits and customs of a large portion of our people. The responsibility and influence of a Teacher is far greater than a superficial knowledge of the subject of education, [possessed even sometimes by

persons in high positions,] credits him. It is a great fault for him to impose upon those under his charge and who receive his admonitions with lasting impress upon the mind, his own peculiar bias, whether it relate to religion or to the politics of the country. Whenever this assumes a phase of defiance to the Constitution of the nation—does violence to the truth of history—and is directly, or indirectly sustained by his superior officers, it will be found to be the creation of a sentiment dangerous to the country ; worse than ignorance multiplied ; and it will sink the Public School System into deserved desecration.

It is gratifying to believe that California is entirely free from the exercise of any such baneful influence. Everywhere throughout this State, the Teachers of the Public Schools and the School Officers, have acted under a deep impression of their responsibility and with eminent success in the discharge of their duties. From 20 schools with 3,314 children resident as reported from this department on the 11th April 1853, they have increased to 316 schools, with 411 Teachers and 26,160 children resident, as shown in this report. The average daily attendance has increased nearly fifty per cent. during the past year. Whilst I feel in common with all true friends of education in California, a just measure of gratification at this result, and leave in the hands of an able successor, the future of this arduous work, I must again reiterate the necessity to maintain in the purity of its design, this great lever that will move for weal or woe the future destiny of our State. Spurn from you whatever may present that wars upon the health of the public mind—whether it be in sectarianism or partizan politics—and most of all that specious sophistry, that tends to the dismemberment of the Republic and our consequent humiliation before the civilized world.

## CONCLUSION.

In reviewing our material for hope of the future of our country, we may well take a momentary glance not only at the past history of the *language* that now moves the machinery of our Government and enunciates her progress in scientific research, but also of that of the great Caucasian race of man ; a race that has towered over all other races in the science of government, in psychological knowledge, and in the arts that lessen physical toil and increase the products of the land and of the waters of the earth.

The "Faderland" of our race, where three thousand years ago great battles were decided by muscular strength alone, has recently been the weltering theatre of the most scientific conflict for victory as yet assayed by man.

Our forefathers and the early parents of our language were of the rude, uncivilized hordes that successively, in periods of many centuries apart, migrated from the Black Sea border to the cold and stern countries of the north and east of Europe, and founded in more luxuriant climates the Grecian and the Roman republic. The varied climates into which they passed had a corresponding effect upon their language, their manner, and their laws. Comparatively soon after the deluge, they peopled the waste wilds of a country now claiming to be mistress of the seas, and gave to Britain the Gomerian or Celtic tongue, mother to the ancient British, the ancient Gaulish, and to the highland Scotch—the Welsh and the Irish of the present day. At a much later period, the emigration of the Gothic tribes from the same East, seven centuries before the Christian era, peopled Germany and Holland and Sweden and Norway. The Gothic mother to the Saxon tongue, grown harsh in tone and monosyllabic in character to accord with the habitudes of the North, is parent to nearly all the modern languages of Europe. The same Caucasian man, originally emigrating from the Black or the Caspian sea border, made for many centuries Britain the great

battle-field of the race, and finally gave to us, through our Pilgrim Fathers and the settlers in the South, the Anglo-Saxon, now modified into modern English language. At this time it is more purely spoken by the masses of our own than in any other country on the earth. It is emphatically the great language of the earth. It bears everywhere the songs of freedom and the principles of good government. It is carried on the wings of a holy faith, teaching the great responsibilities of man towards man, with his higher duty to the great Architect of the Universe.

In this young and thriving State of the Model Republic, the energies of good men in every town and precinct have been unceasingly directed to the dissemination of knowledge among the masses of the people ; to build up, by a proper education of the young, a great barrier of surety and of safety against future attacks upon the integrity of the law, and against mal-administration of the government. Success, beyond their sanguine hopes, has crowned their endeavor thus far.

Education is with the force of sublimity, carrying with it the richest developments of scientific research that has yet blessed mankind. Our share in its great progressive destiny must not be marred by lack of duty performed, nor by any halt in the onward movement, till the hope of all good men be finally consummated. To that end the recommendations from this department, are the result of much anxious and careful attention, and the hope is indulged that they may meet your approbation.

PAUL K. HUBBS,  
Superintendent of Public Instruction.

DEPARTMENT OF PUBLIC INSTRUCTION, }  
December 31st, 1856. }





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IN ASSEMBLY.]

[EIGHTH SESSION.

ANNUAL REPORT

OF THE

QUARTER-MASTER

AND

ADJUTANT GENERAL.

JAMES ALLEN, STATE PRINTER.

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OFFICE OF QUARTER MASTER AND ADJUTANT GENERAL, }  
SACRAMENTO, STATE OF CALIFORNIA, Dec. 15, 1856. }

To His Excellency,

J. NEELY JOHNSON,

Governor and Commander-in-Chief:

SIR :—Pursuant to the provisions of the Statutes of this State, and of the Act of Congress, approved May 8th, 1792, entitled “ An Act more effectually to provide for the National defense by establishing an uniform Militia throughout the several States,” I have the honor to submit herewith the Annual Report of this Department for the year 1856.

I am, sir, your obedient servant,

WM. C. KIBBE,

Quarter Master and Adjutant General,

For State of California



## R E P O R T.

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I am pleased to inform your Excellency, that since the passage of the laws of 1855 and '56, concerning the organization of the Militia, an impetus has been given, and an improvement evinced in all the Military Corps of this State, which is, indeed, truly gratifying, and is an earnest that whenever the existing Militia laws, with a few judicious amendments, are rigidly enforced in accordance with their true letter and spirit, California will have within her borders, and be protected by, a military organization equal, if not superior, to that of any of the older and more largely populated States of the Union. Our present laws, however, require amendments; and I would here remark, that there is probably no one subject which presents to the Legislature more difficulties, than the construction of a law to direct the establishment of a well organized and effective Militia in a State; and although much labor and discussion has already been expended in an effort to create an organization of this kind in California, the experience of the past year has conclusively demonstrated the fact that our system is, to some extent, deficient. It is, then, left to the ensuing Legislature to perfect the system by necessary and judicious amendments to our military laws. I take the liberty of calling your attention to some amendments, which have been suggested to my mind as of great importance, to the perfecting of our Military code. Care should be taken that every citizen, in whatever public capacity he may be called upon to act, should properly understand the character of the responsibilities he is to assume. This seems to have been lost sight of, to a great extent, in all the provisions heretofore made to establish an effective Militia force in this State, and it is certainly more important to this Department than to any other of the State Government. To perfect our code in this regard, I suggest an amendment: that every citizen who enrolls himself as a volunteer soldier under the laws of this State, shall be required to subscribe to a stringent oath that he will sustain and defend the Constitution and laws of this State, and of the United States, against any and all persons, powers, and potentates whatsoever. The principal condition of being useful to one's country is self sacrifice, and it is the spirit of being useful that has induced thousands of the young and enterprising citizens of California to volunteer their services as soldiers of the State for the purpose of aiding the due administration of her laws in all emergencies. They have subjected themselves to great personal sacrifices, both of time and means, and have generally performed whatever duty they have been called upon to perform, to the full satisfaction of the community

at large. And I believe that, with the incorporation of an amendment in the existing laws similar in character to the one referred to, and rigidly administered to all who are, or may hereafter become, connected with our State militia, the fullest confidence would be imparted to the community—each and every citizen soldier appreciating the trust confided to him, would be prompt to do his duty, regardless of every consideration, and the most desirable results would be attained.

Under the present law a military fund is authorized to be raised and paid out. The fund was intended to be applied to the payment of the necessary expenses of the volunteer companies of the State, such as rent of armory, hire of music, &c. The Board of Auditors having decided that the law does not authorize the payment of such accounts, I recommend that the law be so changed as to define for what this fund shall be paid, and that it shall be entirely appropriated for the benefit of the volunteer companies. There should also be a provision prohibiting the appearance on public parade of any body of armed men not organized under the law of the State. Independent military organizations should not be encouraged. They can be productive of no good effect, and may of great evil, especially if made to subvert the law. If proper character be given to our State Militia by Legislative encouragement they will not be desired. It is, doubtless, within the province of the Legislature to direct and control by law how the people of the State shall be permitted to bear arms, and I deem it of great importance that this right shall be exercised, so far as it can be, without infringing upon our Constitution, for the benefit of the community at large. A military organization under the laws of the State, and an independent military organization, would create discord in the community, and might result unfortunately to the peace of society. And I am satisfied that all good citizens, upon due consideration, will fully indorse an act of this kind, as calculated to preserve peace and good order. None will deny that an effective and reliable military organization is of great importance to a State, and *indispensable* to California, rendered so by our isolated position, and the peculiar elements of which our population is composed. We have among us natives of every soil and clime in the known world, many of whom never have, and some who never *can*, become citizens with us, and who, seemingly, have no direct interest in the proper and just administration of our laws, save so far as their own personal liberties are concerned. This portion of our population has, for the most part, but an imperfect idea of our system of government, and if not predisposed to rebel, many, of consequence, may at all times be found ready to assist in an assault upon the very pillars of the government under whose protection they live, more especially when they find good citizens—or those *who are thus designated*—in the community, to lead and direct. These remarks I do not, by any means, intend to apply to any class as a whole, for I admit there are always two classes of people in every population—the well and the evil disposed. But when we consider that the very *best citizen* in the community has in his nature certain elements of vice, and even possibilities of crime, which *he* has the ability (acquired possibly by education) to subdue and control, we can readily, upon this principle, admit that in every whole community these elements will be found in large, if not fatal proportions, if left uncontrolled. To accomplish this control, laws are enacted and public forces established.

It behooves California, then, considering the peculiar elements of her population throughout her territory, to establish the only auxiliary dependence of a free government, a *militia force*, composed of its best citizens, perfect and complete in its system, sufficiently guarded by statutory restrictions as to exact the most prompt, as it ever will be the most efficient duty, from those connected with it, and an example will be afforded which will be conducive to the best interests of our State. Give our militia the position to which they are entitled,—*acknowledge the responsibilities which they assume, and the sacrifices they*

make, for the public weal, and their general importance as an institution of the government, and you afford them a fitting encouragement, and prompt them to efficient duty. Establish confidence in your State militia among the people, and there are but few good citizens throughout this State who could be induced, even by the most exciting and deplorable local causes, to trample upon the laws, or who would withhold their aid in inducing a proper execution of them. To perfect this organization, is a matter of the most vital importance to the interest of this State, and one which should engross the attention of our Legislators and citizens generally. Upon it, rests the very fabric of our government; perfect it, and our institutions are preserved inviolate, and permitted to infuse their blessings upon all. Our present system, when perfected, will be found to be the best that can be devised,—it will afford protection and a proper enforcement of the laws of our State against whatever combinations may be arrayed against them. And whenever it becomes necessary to repel an invading foe from our soil, it will give us the ability to furnish forth a sufficient number of chosen troops, fully qualified to prepare, instruct and command the masses of the community entitled to bear arms. Of this, the experience of the past year will not permit us for a moment to doubt. I, therefore, have the honor to recommend that our militia laws be carefully revised and perfected during the ensuing session of the Legislature, and respectfully, and earnestly, solicit your Excellency's co-operation to attain this desirable object.

The provision of our law requiring annual State parades of our militia, your Excellency is aware has not been complied with, during the present year, owing to circumstances which interfered to prevent the personal attendance either of the Commander-in-Chief or the Quarter Master and Adjutant General to them, I am consequently unable to report minutely the true condition and standing of the various military organizations in this State. A compliance with the provision referred to, I believe to be of great importance to the State Military Organization and should under none, but circumstances involving the welfare of the community, be neglected or omitted hereafter. If these parades are duly countenanced by those whose duty it is to inspect them, the most beneficial results will flow therefrom. An enthusiasm will be created among our young and enterprising citizen soldiery, which will impart new life and vigor to the organization; induce a perfection in drill, in all the elements of a true and competent soldier; place the entire organization of the State above the assaults of the enemies of our institutions, and those who would, for alleged reasons temporarily suspend the administration of our government, and at the same time, California would be enabled to fulfil her most sacred obligations of duty to the general government and her sister states. These parades were substituted for encampments, (which are indeed almost indispensable to an extensive and well organized militia,) and were adopted in view of the large indebtedness of the State and the importance of supplying a dependence upon which the civil authorities could rely, in the shortest possible space of time. Until these annual encampments are authorized, let us have our State parades, our military re-unions. They are indispensable to our organization in every point of view.

As I before remarked, it will be impossible for me in this report to give an account of the military organizations of the State for the past year in detail. Justice, however, prompts me to state that during the recent exciting difficulties in San Francisco, nearly every volunteer company in the State, reported for duty, and was ready to rally to the aid of the authorities without regard to the character or causes which produced these disturbances. Battalions reported in the third, fourth, and sixth divisions, the Sutter Rifles, Sacramento; Yuba Guards, Marysville; Sierra Guards, Forrest Rifles, Goodyear's Rifles, Columbia Fusileers, Sonora Grays, and in fact most of the Companies throughout the State. They are all

entitled to credit for their promptness and zeal in preparing for any duty which might be exacted of them. The first infantry battalion second brigade second division, under command of Lieut. Col. J. R. West, and the National Lancers, Capt. Hays, are entitled to the highest credit for their promptness and zeal in preparing their commands, and for the gallant and soldierly bearing displayed by them whilst expecting to contend with a force infinitely superior in numbers, and thoroughly equipped for service, arrayed against the execution of the laws. The same credit is eminently due Capts. Benham, Ashe, and Hanna, whose companies were organized under the proclamation and orders of the General in command. They were indefatigable in their efforts to fit their companies for active service, and few who have had a like difficult task to perform have ever been more successful. The conduct of a large majority of both officers and men, connected with our volunteer service, entitle them to the highest commendations and confidence of the community. They knew no act but duty, and no duty but that of obedience to orders, and of aiding to sustain the laws of the State.

The Proclamation declaring the county of San Francisco in a state of insurrection, and the orders relative thereto, were issued on the third day of June, 1856, and pursuant to instructions, I immediately opened an office in San Francisco for the purpose of superintending the enrollment of citizens, and their organization into companies. Some fifteen hundred citizens came forward and enrolled themselves under the call, and the organization of companies commenced and continued until the 11th day of June following, when by order of the General in command of the division, certain of the companies were mustered into active service, and their officers duly commissioned by the Commander-in-Chief. The companies mustered into active service on the 11th and 12th days of June, were continued in service for the space of three months, and performed such duties as were from time to time imposed upon them by the officers in command. The pay and subsistence of these troops for the time they were in service forms a just claim against the State, and provision should be made by the ensuing Legislature to meet the same. An abstract of pay rolls, pay accounts, and subsistence accounts incurred under the Proclamation and orders referred to, made out according to law, are herewith submitted, to which your attention is respectfully requested.

The Indians upon our borders have been troublesome during the past year, and owing to the inability of the Federal Government to keep them in check, for want of a sufficient number of troops in the Pacific Division, it has been necessary and expedient for the State authorities to render the people inhabiting the borders of the State, which were particularly exposed to the incursions of the savages, protection of life and property. Great care has, however, been manifested in the expenditure of money in each and every case, and the economical results of these expenditures have no parallel in the history of California. In pursuance of the provisions of the Act calling out a company of volunteers for the suppression of Indian hostilities in Klamath County, and to make an appropriation for the same, approved March 12th, 1856, J. B. Roseborough was appointed enrolling officer, and E. Y. Naylor as Quartermaster and Commissary of said company. The company was mustered into service on the 3d day of May, A. D. 1856, and continued in service for the space of thirty days, when the same was disbanded and the men discharged. A report of the result of the expedition is herewith transmitted, made by Quartermaster and Commissary Naylor, who is entitled to much credit for the manner in which he discharged the duties of his office. On the 4th of May, 1856, Gen. E. F. Beale was ordered to the Tulare country for the purpose of ascertaining the extent of the Indian difficulties in that vicinity, with authority to call upon the volunteer companies of that brigade, if deemed necessary, to quell the difficulties then existing in that section of the State. He immediately repaired to the scene of the disturbances, and, after an absence of some six weeks, succeeded in restoring

peace and quiet to the inhabitants of that district, without involving a general war. The report of his expedition is filed in your Excellency's office. The expenses incurred by him create a just claim against the State, and should be paid forthwith.

The result of the expedition under command of Gen. Jno. D. Cosby, against the Indians in Siskiyou county and vicinity, not having been duly reported to this office, I am unable to give any reliable information in relation to it. Gen. Cosby will undoubtedly report before the session of the ensuing Legislature, in order that the merits and results of the expedition may be transmitted to the Legislature in your annual message.

I beg leave to suggest the propriety of appropriating the means set apart for the establishment of a State Seminary or University of California, (whenever the same are available,) to the establishment of a State Military Institute, similar to those now existing in several of the older States of our Union. The progress and success of these institutions has fully demonstrated the practicability of engrafting the military system upon State colleges. This suggestion may be deemed premature, but I am fully convinced that when the proposition is fully discussed, and the additional benefits to be derived by the student at an institution of this kind, are fully understood, the proposition will meet with public favor and support. The introduction of military discipline in a school, serves to promote regular habits and invigorate the physical constitution of the student, while at the same time it will give a practical tone to every department of study, and thoroughness of instruction would constitute its chief element. The habits of the soldier would conduce to system, promptness, responsibility, energy and decision. To the pursuit of scientific courses, these principles and habits of duty render military schools the first institutions of the country. And it is to *practical education* that we mainly rely for our advancement in greatness, as individuals or as a State or nation. It fits and prepares us for all the active duties of life, and should form the basis of every State educational institution. Its graduates would go forth—the teacher to his school, the engineer to his rod and level, the architect and draughtsman to his drawing-board, the farmer to his farm, the soldier to his post—each with a sound practical education, based upon system and order, which have been indelibly impressed upon his mind by the practical and systematic character of his school. I do not purpose to discuss the full merits of such a college, but believing in its great utility, take this initiative step with the hope of directing public attention to it and to induce able writers to extol its merits.

In conclusion, I have to state that California is exceedingly deficient in arms with which to equip her militia. Another effort should be made immediately to obtain a sufficient quantity from the general government for the use of the State. During the last session of Congress, through the efforts of our Senator, the passage of a Bill appropriating to the State of California eight thousand stand of arms, was secured through the United States Senate. This quantity would have been sufficient for all local emergencies, and would have been worth to the State at the cost price to the general government, over one hundred thousand dollars, rendering it a matter of great importance in every respect, and worthy the attention of the ensuing Legislature.

This subject has frequently been brought to the notice of our Legislators and Representatives and Congress, and I have, in my former reports, claimed attention to the wants of our State in implements of defense, but I cannot refrain from again urging most seriously upon those to whom our safety is confided, the high and imperative necessity of obtaining from the general government prompt attention to our just demands. An outpost of the Union, with a sea board accessible to a foreign foe, and shut out from the heart of the confederacy by impassable mountains and deserts, we are exposed to attack without the means of



even reasonable relief from the balance of the Union; how important is it then, that we should be largely, liberally supplied with arms and munitions of war, that we may summon our citizens in moments of emergencies, and find them ready trained to the use of implements of defense. A season of peace and repose under the circumstances of our exposed position should not lull to fancied security those public servants upon whom the State relies to place in our midst a portion of the vast supplies of warlike material hoarded by the general government in the midst of densely settled States within striking distance of the Capital of the nation, accessible from all points through roads of iron and conveyance by steam. At the present moment, with a very scanty supply of small arms, the State possesses but a single section of field artillery, and may be at any time open to invasion from abroad, or treason at home. I trust, therefore, that this subject so often impressed may still claim the attention of your Excellency, and that you will deem it of sufficient importance to bring it before the Legislature by a special recommendation, and in your annual message. With a sufficient supply of arms and accoutrements, an organization such as I have herein recommended, the authorities would neither fear insurrection or be intimidated by an attempted invasion. The Legislature, for the past three sessions, has memorialized Congress for a necessary supply of arms for the use of this State, and I entertain the opinion that however obnoxious the sending of special agents to the National Capital for the purpose of securing to California what she is entitled to and so much needs, we shall never obtain a quantity of arms for our immediate necessities without again resorting to this method, and therefore recommend it as the only alternative.

*Report of E. Y. Naylor, Quartermaster and Commissary of a Company of Volunteers mustered into the service of the State of California, by order of his Excellency, Gov. Johnson, to suppress Indian hostilities in Klamath County, under the Act of March 12th, 1856.*

CRESCENT CITY, August 26, 1856.

GEN. WM. C. KIEBE ;

SIR :

Agreeable to the requirements of the Act passed March 12th, 1856, for the suppression of Indian Hostilities, in Klamath county, I herewith beg leave to submit the following as my report. Mr. J. B. Rosborough having been appointed Enrolling officer, proceeded on the 2nd day of May to enrol a company of volunteers, and the morning of the 3d mustered into service a company of thirty mounted men, that number being deemed sufficient at that time, to keep the Indians in check. For the officers of said Company I beg to refer you to the original muster roll which you have on file in your office. The Company was then ordered to Smith River Valley, and located their headquarters at Lt. Crooks', and were divided into two squads or commands, some fifteen men being ordered to proceed to the mouth of Smith's River, under Bt. Lt. Coyle, with orders to encamp at that point, and the balance of the Company to remain at Lt. Crooks', under the immediate command of Capt. Gordon, those two points being considered the most exposed of any in the valley, being most adjacent to the trails both on the coast and that leading from the headquarters of Chitco River, so as to defend both points and be able to intercept and cut off any straggling parties of Indians that might endeavor to make a descent into the valley. It being

deemed advisable to act on the defensive, from promises made by Gen. Wool to the effect that he had plenty of men to protect the citizens in this portion of the country, and that he would give such orders as would effect the desired object—which he, however, failed to do—the two separate commands remained at their posts some ten days, keeping up an effectual guard of sentinels between the two points, a distance of about five miles, frequently seeing small parties of Indians on the mountains north of the valley, on the lookout for chances of committing some depredation on the inhabitants of said valley, but owing to the strict watch kept on their movements, were unable to effect anything.

On the morning of the 10th, Lt. Coyle started up the river, about daylight, and surprised and killed one Indian who was descending the river in a canoe. He saw other Indians on the north bank, but owing to the distance did not succeed in effecting anything more that day, and returned back to camp during the afternoon.

Nothing further of interest occurred until about the 25th or 26th of May, when Capt. Gordon gave orders for both commands to proceed across Smith's River on a scout to Chitco, and were gone some ten days, but returned without effecting anything. After their return to their respective camps, they still continued to guard all the approaches to the valley until the morning of the 31st, when Lieut. Coyle was ordered to advance up the river, dividing his command into two parties, under command of himself and Sergt. Van Pelt. Before arriving at headquarters, Sergt. Van Pelt surprised a party of six or eight Indians prowling about, and succeeded in killing three of the bucks, wounding one of the others, and capturing one squaw, from whom they obtained the information that there was a large body of Indians on the head waters of Chitco, and that they were waiting the return of the Chief, who had gone to the Big Meadow, on Rogue river, for the purpose of treating for peace with Col. Buchanan. They kept the squaw prisoner until the 1st June, when she made her escape. Nothing further transpired until the 3d, when the time for which the company was mustered into service having expired, they were marched into Cresecent City, and discharged, it being the opinion that it was unnecessary to keep them in service longer. But in conclusion, I must say that I believe the presence of the company in that valley saved the inhabitants from being murdered and their property destroyed.

Further comment is, I think, unnecessary, more than to say I have made mention of all the important items during the time which they were out. All of which is respectfully submitted.

Your obedient servant,

E. Y. NAYLOR,

Quartermaster and Commissary.

*For Abstract of Expenses of a Company of Mounted Volunteers mustered into the service of the State, by order of his Excellency J. Neely Johnson, to suppress Indian hostilities in Klamath County, under the Act of March 12th, 1856—See page 16.*

The following is a Schedule of Arms and Accoutrements which have come into my possession since my last annual report, viz:

FROM THE GENERAL GOVERNMENT BY THE HANDS OF CAPT. F. D. CALLENDER,  
COMMANDING BENECIA ARSENAL.

- 60 Rifles, Percussion and appendages—two sighted for long ranges.
- 60 Cartridge Boxes.
- 60 Waist Belts and Plates.
- 60 Gun Slings.
- 60 Cap Pouches and Picks.
- 2000 Percussion Caps for small arms!
- 1 Rifle and Ball Bullet Mould.
- 113 Percussion Muskets.
- 1 Cavalry Sabre.

The above amounting to the value of 183 muskets, comprises the entire quota issued to California for 1856, at which rate we shall not receive a sufficient quantity of arms to equip such a militia force as is this day required in this State, short of fifty years, rendering the special appropriation by Congress referred to in another portion of this report eminently necessary.

FROM THE VIGILANCE COMMITTEE WHICH WERE FORCIBLY TAKEN FROM THE  
CUSTODY OF THE STATE, THE FOLLOWING, VIZ:

|                                | Number Taken. | No. Returned. |
|--------------------------------|---------------|---------------|
| Percussion Muskets.....        | 145           | 130           |
| Flint Muskets.....             | 40            | 31            |
| Wipers.....                    | 87            | 0             |
| Cartridge Screws.....          | 0             | 0             |
| Ball Screws.....               | 1             | 0             |
| Screw Drivers.....             | 92            | 0             |
| Vices.....                     | 4             | 0             |
| Bayonets.....                  | 185           | 0             |
| Bayonet Scabbards.....         | 174           | 212           |
| Gun Slings.....                | 45            | 29            |
| Cartridge Boxes.....           | 106           | 65            |
| Cartridge Box Plates.....      | 38            | 0             |
| Cartridge Box Plates.....      | 80            | 65            |
| Cartridge Box Belt Plates..... | 80            | 0             |
| Body Belts.....                | 108           | 0             |
| Body Belt Plates....           | 35            | 0             |
| Cap Boxes.....                 | 61            | 18            |
| Percussion Caps.....           | 360           | 0             |
| Cartridges—balls.....          | 360           | 0             |
| Muskets.....                   | 94            | 94            |
| Bayonets.....                  | 90            | 0             |

|                                      |      |    |
|--------------------------------------|------|----|
| Sheaths.....                         | 57   | 0  |
| Belts.....                           | 80   | 69 |
| Cartridge Boxes.....                 | 76   | 71 |
| Slugs.....                           | 60   | 30 |
| Plates.....                          | 40   | 0  |
| Cavalry Sabre Belts and Tassels..... | 100  | 88 |
| Cavalry Sabre Plates.....            | 100  | 0  |
| Musket Wipers.....                   | 20   | 0  |
| Cavalry Sabres.....                  | 84   | 88 |
| Cartridge Balls, &c.....             | 3000 | 0  |

The above is as per invoice, Capt. Corse, under date 18th June, 1856, and taken from the schooner in the bay of San Pablo.

|                            | Total No. | No. Returned. |
|----------------------------|-----------|---------------|
| Rifles .....               | 87        | 86            |
| Wipers .....               | 38        | 38            |
| Cart Screws .....          | 0         | 0             |
| Ball Screws .....          | 3         | 3             |
| Screw Drivers.....         | 37        | 37            |
| Vices .....                | 0         | 0             |
| Gun Slings.....            | 89        | 0             |
| Cartridge Boxes.....       | 80        | 31            |
| Cartridge-box Belts. ....  | 85        | 31            |
| Body Belts and Plates..... | 67        | 0             |
| Cap-boxes .....            | 69        | 66            |
| Percussion Caps.....       | 388       | 0             |
| Cart. Ball.....            | 388       | 0             |
| Artillery Swords.....      | 50        | 50            |
| Artillery Sword Frogs..... | 50        | 0             |
| Blankets, pairs.....       | 80        | 0             |
| Blanket Straps.....        | 80        | 87½           |

#### ARTILLERY.

|                   |           |    |
|-------------------|-----------|----|
| Six Pounders..... | 2         | 2  |
| Carriages.....    | 2         | 2  |
| Caissons .....    | 2         | 2  |
| Harness, &c.....  | Complete. |    |
| Sabres.....       | 30        | 32 |
| Belts .....       | 30        | 29 |

The above comprises the arms and accoutrements issued to the 1st California Guard, and reported to have been taken by an armed force styled the "Vigilance Committee," against which the Company could not contend. They were taken from the Company on the 19th day of May, 1856, and were demanded by the State on the 30th of May following, and not surrendered by the Vigilance Committee until the 3d day of November.

|                   | Total Taken. | Returned. |
|-------------------|--------------|-----------|
| Sabres .....      | 42           | 32        |
| Sabre Belts.....  | 36           | 22        |
| Sabre Plates..... | 36           | 32        |
| Sabre Knots.....  | 38           | 00        |

|               |    |    |
|---------------|----|----|
| Pistols ..... | 40 | 29 |
| Holsters..... | 40 | 26 |

The above composes the arms and accoutrements issued to the First Light Dragoons.

The deficiency in arms, &c., as above, amounts to, at the rates charged by the General Government, about fifteen hundred dollars, which the parties acting for the Vigilance Committee have agreed to supply or pay for if exacted by your Excellency.

#### ISSUED TO TULARE MOUNTED RIFLEMEN.

|                                |
|--------------------------------|
| 60 Rifles Percussion.          |
| 60 Rifle Cartridge Boxes.      |
| 60 Waist Belts and Plates.     |
| 60 Cap Pouches and Picks.      |
| 2,000 Percussion Caps.         |
| 1 Rifle and Ball Bullet Mould. |

#### TO FORREST RIFLES.

|                         |
|-------------------------|
| 38 Musketoons.          |
| 38 Setts Accoutrements. |

There has been expended for the care, repair, and transportation of arms, contingents, and rent of office, since my last annual report, and drawn from my contingent fund, the sum of one thousand seven hundred and fifty-six dollars.

The following is a Schedule of the Volunteer Companies, duly organized in this State, viz:

|  |    |      |
|--|----|------|
| Company of Infantry, San Diego.....                | 60 | men. |
| Light Dragoons, San Bernardino.....                | 70 | "    |
| Los Angeles Guards, Los Angeles.....               | 60 | "    |
| Los Angeles Rangers, do .....                      | 50 | "    |
| Ringgold Light Artillery, do .....                 | 50 | "    |
| Santa Barbara Mounted Rifleman, Santa Barbara..... | 70 | "    |
| Marion Rifles, San Francisco.....                  | 50 | "    |
| Washington Continental Guards, San Francisco.....  | 50 | "    |
| National Lancers, do .....                         | 90 | "    |
| San Francisco Blues, do .....                      | 50 | "    |
| Jackson Guards, do .....                           | 50 | "    |
| Company of Infantry, Stockton Blues .....          | 73 | "    |
| Tulare Riflemen, Tulare.....                       | 60 | "    |
| Sonora Grays, Sonora.....                          | 60 | "    |
| Columbia Fusileers, Columbia.....                  | 60 | "    |
| Sutter Rifles, Sacramento.....                     | 50 | "    |
| Placerville Guards, Placerville.....               | 50 | "    |
| Sierra Guards, Downieville.....                    | 60 | "    |
| Goodyear's Bar Rifles, Sierra.....                 | 70 | "    |
| Forrest Rifles, Forrest City.....                  | 75 | "    |
| Yuba Guards, Marysville.....                       | 90 | "    |
| Mountain Riflemen, New York Flat.....              | 60 | "    |
| Petaluma Guards, Petaluma.....                     | 60 | "    |
| Siskiyou Guards, Humbug City.....                  | 75 | "    |
| Scott River Guards, Siskiyou.....                  | 75 | "    |

Some of the above organizations have never been equipped, owing to the inability of the State to furnish them with arms, and consequently have made but little practice in drill ; and I am satisfied that as soon as a quantity of arms are obtained by the State, one efficient company, at least, will be organized in each and every county in the State.

Owing to the neglect of the County Assessors, in many of the counties, to make a return of the enrolled militia to the proper officers, I am unable to comply with that provision of the law which requires a statement of the strength of the militia, in each and every brigade and division. Some action should be taken which will enforce those returns to be duly made, annually, as required by law of Congress.

The respective Brigades and Divisions of this State are duly organized under the law.

*Abstract of Expenses of a Company of Volunteers mustered into the service of the State by order of his Excellency, Gov. Johnson, to suppress Indian Hostilities in Klamath County, under the Act of March 12, 1856.*

| Date.      | No | To Whom Paid.                 | On What Account.              | Amount.    |
|------------|----|-------------------------------|-------------------------------|------------|
| 1856.      |    |                               |                               |            |
| June       | 3  | 1 Ed Y. Naylor.....           | Am't of Comp'y Pay Roll.      | \$ 466 80  |
| do         | 3  | 2 Capt. J. H. Gordon.....     | Amount of Pay Account..       | 88 55      |
| do         | 3  | 3 1st Lt. Theron Crook.....   | do do do ..                   | 59 21      |
| do         | 3  | 4 2d Lt. Ed. H. Burns.....    | do do do ..                   | 59 21      |
| do         | 3  | 5 Bt. 2d Lt. Alex. Coyle..... | do do do ..                   | 59 21      |
| do         | 3  | 6 Ed. Y. Naylor, Quartermas'r | do do do ..                   | 220 21     |
| May        | 12 | 7 M. Lelland & Co.....        | Horse Hire .....              | 21 00      |
| do         | 3  | 8 S. Hahn.....                | 30 pairs Blankets.....        | 180 00     |
| do         | 17 | 9 Wm. Lawless.....            | 400 lbs. Fresh Beef.....      | 72 00      |
| do         | 3  | 10 B. F. Dorris & Bro.....    | Camp Equipage .....           | 75 00      |
| do         | 3  | 11 M. Lelland & Co.....       | 3,108 lbs. Barley, @ 7....    | 217 56     |
| do         | 3  | 12 M. Lelland & Co.....       | Hire of Animals.....          | 1,485 00   |
| do         | 3  | 13 Pacific Express Co.....    | Transportation of Arms..      | 75 00      |
| do         | 3  | 14 John Marity .....          | Hire of Animals.....          | 1,215 00   |
| do         | 3  | 15 P. W. Bell.....            | Hire of Pack Animals....      | 630 00     |
| do         | 3  | 16 Olmstead, Arrington & Co.. | Subsistence Stores.....       | 341 30     |
| do         | 3  | 18 Olmstead, Arrington & Co.. | Camp Equipage .....           | 31 98      |
| do         | 11 | 17 Morford & Mace.....        | 2,250 lbs. Barley, @ 7....    | 157 50     |
| do         | 23 | 19 John Miller & Co .....     | Shoeing Animals.....          | 105 00     |
| do         | 12 | 20 Morford & Mace.....        | Ferriage of Animals .....     | 15 00      |
| do         | 16 | 21 Hamilton & Co.....         | 5,442 lbs. Barley, @ 7....    | 380 94     |
| do         | 21 | 22 Ward Bradford.....         | 420 lbs. Fresh Beef.....      | 75 60      |
| do         | 25 | 23 Hamilton & Co.....         | Subsistence Stores.....       | 19 00      |
| do         | 3  | 24 Hamilton & Co .....        | 30 pairs Blankets.....        | 90 00      |
| do         | 3  | 25 J. B. Rosborough.....      | Services as Enrolling Officer | 50 00      |
| Total..... |    |                               |                               | \$6,190 07 |

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[EIGHTH SESSION.]

ANNUAL REPORT

OF THE

OFFICERS OF THE INSANE ASYLUM

OF THE

STATE OF CALIFORNIA,

FOR THE YEAR 1856.

JAMES ALLEN, STATE PRINTER.

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# OFFICERS OF THE ASYLUM.

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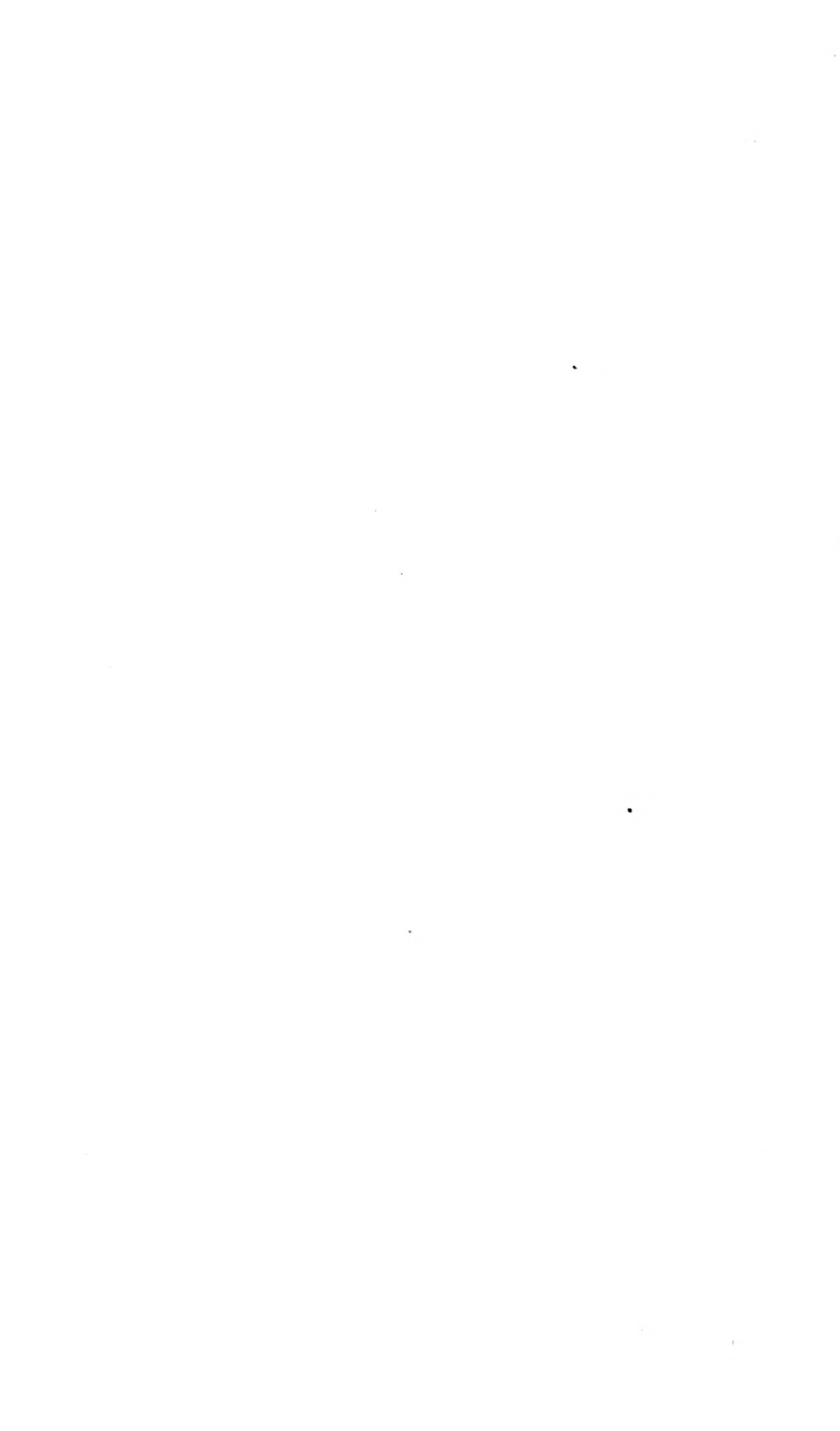
## BOARD OF TRUSTEES:

J. W. O'NEAL, PRESIDENT.  
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G. A. SHURLIFF,  
R. FOWLER, JR.,  
J. R. HOBBS.

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ASSISTANT PHYSICIAN.

H. T. COMPTON,  
TREASURER AND EX-OFFICIO SECRETARY.



REPORT  
OF  
THE BOARD OF TRUSTEES  
OF THE  
ASYLUM FOR THE INSANE.



# REPORT.

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INSANE ASYLUM OF CALIFORNIA, }  
January 1st, 1857. }

*To the Honorable the Legislature of California :*

The Board of Trustees of the Insane Asylum of California, respectfully submit their Annual Report for the year ending December 31st, 1856.

We were not recognized as the legal Board of Trustees of the Asylum, and placed in charge of the management thereof until late in the month of November. We held our first meeting as such on the second day of December. We have therefore served only one month of the period embraced in this report. Deprived by this circumstance of the familiarity of the management of the affairs of the institution, derivable alone from a participation therein, we are led to confine ourselves mainly to its present condition and wants, rather than review in detail, its administration in the past.

We are unable, however, to present a full account of the receipts and disbursements by the late Treasurer for the year ending December 31st, 1856, to whose statement accompanying this report and marked "A," we refer for an exhibition of the same in detail. It appears by his report that he has received, since January 18th, 1856, in Warrants and Bonds, the sum of sixty-four thousand five hundred and ninety-seven dollars, which added to the amount then on hand, and the sum transferred from Special Fund, make up an aggregate of sixty-six thousand one hundred and forty-nine dollars and twenty-five cents, which amount less nine thousand five hundred dollars in bonds, and one hundred and seventy-eight dollars and fifty cents in cash, paid over to his successor, has been disbursed by him, for which vouchers are on file. His account also shows that he has received one thousand dollars more than the amount of appropriations. The sum of three thousand five hundred and ninety-seven dollars, was appropriated March 25th, 1856, to supply the deficiencies of the previous year, and the sum of sixty thousand dollars was appropriated for the support of the Asylum for 1856.

Annexed hereto and marked "B," is also the report of the present Treasurer, showing the amount of outstanding indebtedness, January 1st, 1857.

It will be observed by reference thereto, that the unpaid bills amount to nine thousand two hundred and ninety-three dollars and forty-three cents, and that there are remaining in his hands, in State Bonds, the sum of nine thousand five hundred dollars. These Bonds, from causes well understood by the Legislature, are at present unavailable and useless for the purpose for which they were designed. The necessities of the institution require your special attention to this subject. The sum of nine thousand two hundred and ninety-three dollars and forty-three cents, now virtually stands as a deficiency of last year.

We recommend a special appropriation of available funds sufficient to meet this indebtedness at as early a day as possible, as the financial affairs of the Asylum must remain in an embarrassed condition until relief is obtained at your hands. We also respectfully recommend the Legislature to appropriate a sum equivalent to fifty thousand dollars in cash, for the support of the Asylum the present year.

It will be perceived that this is a larger amount than the resident Physician, in his very laudable desire to economize has suggested. We are satisfied, however, from an examination of the expenditures of last year, and of previous years, that a less amount will be inadequate. It is evident from the gradual accumulation of incurable cases, however skillful or successful may be the medical treatment, that there will be for some time to come a steady increase of patients, unable in many cases to feel or communicate their own wants, to realize or complain of their own sufferings, it should be the first care of those having them under their immediate charge so see that they are regularly supplied with a sufficiency of wholesome and nutritious food—warmly clad, and provided with comfortable lodgings. As a sanative measure, as well as a part of that charity, which since its foundation has been the just pride of our youthful State, this case should ever be strictly observed. Here true economy is the prevention of work. And, while we are happy to be able to record our conviction that this has been the governing rule of those now in charge of the Asylum, we can hardly refrain from expressing the hope that no policy less exalted than a philanthropic desire to minister, boastless as descends the silent dew—to the comfort and restoration of those most unfortunate and helpless of our race, will ever be preached. We would not have the mind of the Executive office of this institution in the least diverted from this most sacred part of his duty by the constant dread of a deficiency in the subsistence fund.

It is believed the appropriations above recommended will enable the Trustees hereafter to conduct the financial affairs of the Asylum upon the cash system, as directed by the Act of 1854, whose provisions have not heretofore been and cannot now be complied with, owing to the annual deficiency in the appropriations, forcing upon us the credit system, towards the close of each year.

We would also direct your attention to the recommendation of the Resident Physician in his report herewith submitted, of an appropriation of five thousand dollars, for furnishing the new wing and purchasing a Library, as also to that portion thereof in reference to the removal of the wooden building, and ask your favorable consideration of the same.

The new wing, the erection of which, was authorized by the last Legislature, and forty thousand dollars appropriated for the same, is very nearly complete. The contract was awarded to Mr. Fennel, and the work mostly done before our predecessors retired from office. The work, though prosecuted with much delay, has in other respects been done, generally to our satisfaction, and in accordance with the contract. The contract was let for thirty-five thousand dollars, and extra work was afterwards ordered—the cost of which will be estimated on the completion of the building. In its architectural appearance it is a beautiful structure, an addition alike ornamental and commodious. The first story contains two large parlors, steward's room and nineteen bed-rooms capable of accommodating two persons each. There are two halls in each story twelve feet wide, cutting the building at

right angles. The second story contains two large parlors, six cells or rooms constructed so as to prevent the emission of sounds, and thirteen rooms capable of accommodating from two to three patients each, making the sleeping capacity of the wing ample for at least seventy-five persons, exclusive of the cells, which included, will afford accommodation for about eighty-five. Every room, large and small has a ventilating flue. Also the doors and windows are so arranged as to render ventilation easy at all times.

In this connection we beg leave to call your attention to the fact, that the contractor is likely to suffer great loss from the unexpected and disastrous depreciation of State Bonds. Already has his credit in a measure been impaired, and financial embarrassments in no small degree have paralyzed his efforts from this cause. We respectfully suggest that unless some general bill be passed which shall operate in his behalf, in common with other sufferers, he receive such relief by special legislative interposition, as you deem just and equitable.

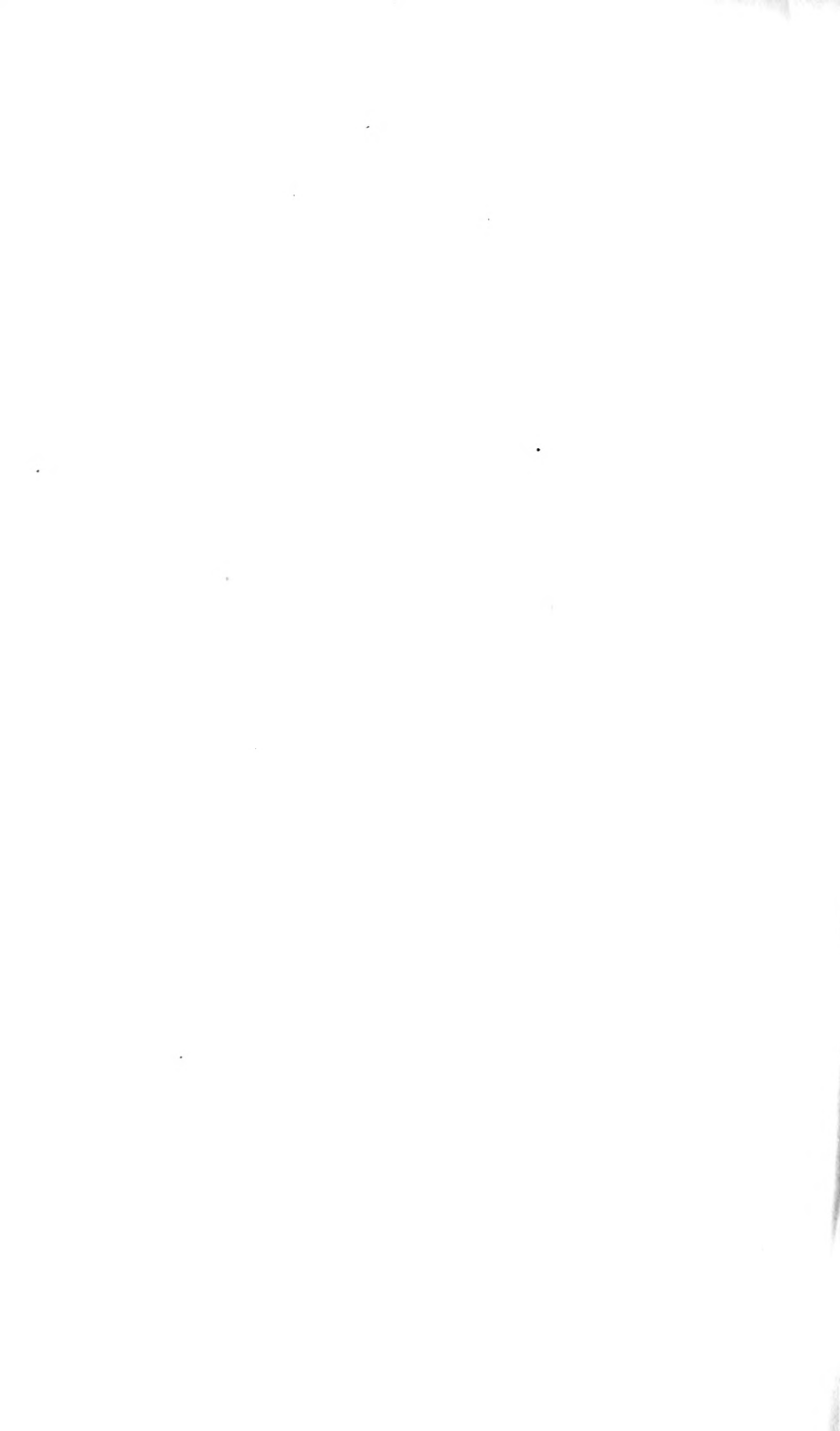
It will also become our duty on the completion of the additional wing to apply to your bodies for the passage of an Act authorizing the payment of certain bills out of the unexpended balance of the Building Fund : among which is the claim of Mr. Fanning, the nature of which is fully explained in the report of the architect, Mr. Corcoran, and hereto annexed, and marked C. All the expenditures here referred to, are for work, either performed in the erection of the new building, or incident thereto, and are justly payable out of the appropriation of forty thousand dollars for that purpose.

We are pleased to express our satisfaction with the management in general of the affairs of the Asylum, by the present Superintendent. Both he and the Visiting Physician appear to promote the welfare of the patients not only as regards medical and moral treatment, but also in their attention to their physical wants and comfort.

For full and particular information in regard to the condition and success of the Asylum, we refer you to the able and elaborate report of the Resident Physician. In conclusion, we most earnestly solicit your continued watchfulness over the interests of this institution. It is the noblest monument of the wisdom and liberality of past Legislatures, and has been the cherished object of their philanthropy. It is daily growing in importance. The number of its inmates is augmenting, but the increasing amplitude of its charities has more than kept pace with its accumulations of wretchedness. Its impartial blessings, as the rays of the rising sun, are silently diffusing themselves throughout the State, lighting up the darkened and reason-bereft soul, and warming into joy, the forlorn and woe-stricken heart. In its behalf we invoke your fostering care, and commend it to your beneficent regard.

J. W. O'NEAL,  
J. W. BUFFINGTON,  
G. A. SHURLIFF,  
JNO. R. HOBBS,  
R. FOWLER, Jr.





ANNUAL REPORT  
OF THE  
RESIDENT PHYSICIAN  
OF THE  
ASYLUM FOR THE INSANE,  
OF THE  
STATE OF CALIFORNIA,  
FROM OCTOBER 31<sup>ST</sup> TO DECEMBER 31<sup>ST</sup>, 1856, INCLUSIVE.



# REPORT.

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*To the Trustees of the State Insane Asylum ;*

GENTLEMEN :—Nine months of the year had elapsed before the present Resident Physician assumed the management of the State Asylum for the Insane. The report for this period must remain a blank ; the only information to be afforded is subjoined as follows :

By the Report of the late Superintendent, there remained in the Asylum on the first day of January, 1856, 162 patients : on the first of October, when we took charge, there remained 188 : an increase of admissions over the discharges, of 26.

Beyond this we know nothing, nor has there been any record left to which reference could be made.

Appreciating our own embarrassments as well as the disastrous consequences which have ensued to the unfortunate inmates, for the want of some reliable information concerning the history and causes of their insanity, our untiring energies have been applied to supplying this deficiency ; not only for a present benefit, but to be preserved as archives of the institution, to afford information to the people, and as a guide for him to whom the charge of this noble and humane institution hereafter may be intrusted.

The success thus far, though of inestimable value to the relief of our extensive family, is not sufficiently complete to enable us to make up a tabular statement. It has been observed that statistics, “when *honestly* and faithfully made, are of inestimable value ; but when made imperfectly or unreliably, tend rather to mislead than advance the cause of science.”

Since the first of October an accurate record of the daily transactions of the institution, in every department, as required by law, has been kept ; the history and circumstances attending the various patients admitted also eliciting, from time to time, any and every fact that would enable us to discharge our duty to the State and tend to the comfort and speedy cure of those committed to our care. The result of these labors is herewith submitted to you, and through you to the Legislature and to the people.

GENERAL STATEMENT—Showing the number of patients remaining in the Asylum Oct. 1st, 1856—the admissions during the three months commencing Oct. 1st and ending Dec. 31st, 1856—the whole number under treatment—the discharges, deaths and recoveries of old and recent cases—and the whole number remaining Dec. 31st, 1856.

|   | Males. | Females. | Total. |
|---|--------|----------|--------|
| Remaining Oct. 1st, 1856 - - -          | 156    | 32       | 188    |
| Admitted since - - -                    | 34     | 5        | 39     |
| Whole number under treatment -          | 190    | 37       | 227    |
| Old cases discharged - - -              | 43     | 7        | 50     |
| Do do recovered - - -                   | 30     | 6*       | 36     |
| Do do died - - -                        | 13     | 1        | 14     |
| Recent cases discharged - - -           | 11     | .        | 11     |
| Do do recovered - - -                   | 11     | .        | 11     |
| Do do died - - -                        | None.  | None.    | None.  |
| Total cases discharged - - -            | 54     | 7        | 61     |
| Do do recovered - - -                   | 41     | 6        | 47     |
| Do do died - - -                        | 13     | 1        | 14     |
| Number of old cases remaining -         | 119    | 25       | 144    |
| Number of recent cases remaining -      | 23     | 5        | 28     |
| Whole No. cases remaining Dec. 31, 1856 | 142    | 30       | 172    |

\* One of the six females noted in the table as recovered was removed by her friends, much improved, with every prospect of recovery.

## GENERAL REMARKS.

On the first of October, there remained in the Asylum, 188 patients,—156 males, 32 females; admitted since, 39,—34 males, 5 females; so that the whole number under treatment during the three months, commencing October 1st and ending December the 31st, 1856, was 227; of this number, there were 190 males and 37 females. \* Of old cases, there were discharged 50,—43 males, 7 females; 36 recovered,—30 males and 6 females; died, 14,—13 males, 1 female. Of recent cases, there were discharged 11,—all males; recovered, 11,—males; died, none; whole number discharged was 61,—54 males, 7 females; recovered, 47,—41 males, 6 females; died, 14,—13 males, 1 female. Number of old cases remaining December the 31st, was 144,—119 males, 25 females. Of recent cases, there remained 28,—23 males, 5 females. Thus the whole number remaining December 31st, 1856, was 172; of this number, 142 are males, and 30 females.

The foregoing exhibit, presents most satisfactory results. Insanity of all diseases to which the human system is subject, requires time to effect a cure; yet in the short space of three months, 47 have had their reasoning faculties restored, and again returned to enjoy the consolation and comfort of friends and home.

The recoveries have exceeded the admissions by 8, and all the deaths have occurred among the old, worn-out cases.

The recoveries from the recent cases, have been mostly from admissions in October. Many of those now remaining, are only here to confirm their convalescence; and all, with four or five exceptions, are curable.

Of the 144 old cases, at least one-half will terminate their lives within the Asylum walls, (composed chiefly of idiots, chronic, dementia and epilepsy,) and so long as this class of lunatics are admitted, every year will accumulate the number, which will serve as a "debris" to swell the list of mortality. Much may be done, however, to ameliorate their condition, and to smooth the "passage to the grave."

Of late years, Asylums have been established in many of the cities of Europe, and in some of the Eastern States, for the improvement of the condition of the idiot, and demonstrating beyond cavil, that their minds are susceptible of cultivation.

The proportion of idiots to the insane, is less in California than in any other State of the Union. In a report on Idiocy, authorized by the State of Massachusetts, it is stated that the proportion of Idiots to Lunatics in that State, is 40; in Rhode Island, 42; in New York, 63; and in some States, as high as 200 idiots to every 100 Lunatics; while in California, they cannot exceed 25 to 100, including the lowest order of dementia.

The reason of this is obvious. Idiots are an importation seldom sent to this State, and the hardy, healthy, industrious, and intelligent Californians, are not of that class from which Idiots spring.

By an Act of the Legislature, in 1852, all the insane of the State were transferred to the city of Stockton, numbering then 124.† Since then they have been steadily increasing until 1856, numbering the 1st of January of that year 162—during the year 1855 there were 214† admissions, averaging nearly eighteen per month. The admissions from January 1st, 1856, to October 1st, following, we

\* By old cases, are meant those cases remaining in the Asylum October the 1st. By recent cases, those admitted since.

† See former Superintendent's Report.

have no means of ascertaining ; but since then there has been only 39 admissions, averaging 13 per month. But this will afford no criterion to predicate an average for the year, for in the months of January, February and March, 1855, there were only 37 admissions, while in the months of October, November and December, of the same year there were 61 admissions.

May we not hope that this frightful scourge to the human mind has reached its acme, and that insanity is no longer on the increase ? or is the temporary relief from this mental affliction more apparent than real ?

An opinion has prevailed for a long time that insanity existed in a greater ratio to the population of this State, than to that of any other State of the Union. Statistics from other States will sustain the assertion that the ratio is much less.

In New England, where statistics are prepared with great care, the average is supposed to be one to every four hundred of the population. Now, assuming the population of California to be three hundred thousand, and the average number of insane in the Asylum to be two hundred, and the average number of those not sent to the Asylum, to be the same, making the sum total of four hundred, and this will only give the ratio of one to every seven hundred and fifty.

And why should not the ratio be less ? And why should not insanity be on the decline ? Have we not the hardiest, healthiest race of people upon the face of the globe.

The strong and athletic, and those possessing strong nervous energies are here ; men whose bodies and minds are capable of enduring the greatest privation, are here. The weak, cachectic and scrofulous, are comparatively rare.

It is true, at first, in the over-strained exercise of daily business and constant exertion—in the fatigue, the loss of sleep, the over-anxiety to become rich, and the anticipations of suddenly accumulating wealth—in the successes and disappointments incident thereto, with a prospect of soon joining friends at home, the physical system and nervous energies were expended, and if not exciting, rendering us peculiarly susceptible to diseases of the mind ; and then there was the belief that on reaching the shores of California without much labor, wealth and honor would be realized. The disappointments which often followed, proved too much for their already excited minds. Superadded to all this was the absence of all the endearments and comforts of home, which maketh a “ merry heart,” and keep alive the drooping spirits.

But now the reverse is the case—the “ golden dream is over,” comforts and necessities are abundant, the incentives to excessive bodily labor, and strenuous mental exertion are diminishing, the prospects which over stimulated our hopes, and encouraged our expectations are gradually receding, and as a consequence, the causes of insanity are more unfrequent, and more modified.

May we not hope as the causes diminish, insanity may diminish likewise.

DISEASES WHICH HAVE BEEN FATAL AMONG THE OLD CASES  
DURING THE THREE MONTHS ENDING DEC. 31ST, 1856.

|                           |   |
|---------------------------|---|
| Marasmus.....             | 3 |
| Bronchitis.....           | 1 |
| Atrophy.....              | 3 |
| Phthisis Pulmonalis ..... | 1 |
| Epilepsy.....             | 4 |
| Ramolliment.....          | 1 |
| Dropsy.....               | 1 |

We can only be considered responsible for one of the fourteen deaths ; this was a case of ramolliment (softening) of the brain. The other thirteen, when we assumed the charge, were but enduring a "living death." The "irritability of emaciation" and defective nutrition too plainly indicated that there did not remain sufficient vital force to predicate the hope that the expiring energies could be lighted up either by medication or diet.

The particular organ of each, to which the death was to be accredited, had nearly ceased to perform its function ; and whether our table shows the death from marasmus, atrophy or consumption, each is attributable to the same cause, a deficient nutrition ; special symptoms only indicating the particular organ or viscus suffering most from this constitutional poverty, each slowly being consumed by adanymic fever.

Epilepsy, even under the most favorable circumstances, is generally incurable unless treated in its earliest stages and in very young subjects, and when not dependent upon organic lesion of the cerebro-spinal system. The life of an epileptic is said to be about four years.

The health of the inmates is generally good, except a few remaining cases of such as have just been referred to, who have not recuperated under the liberal diet which has been afforded them, and we indulge the hope that hereafter the mortality will be infinitely less. The mortality is always greater in winter than in summer. Under the former administration, two-thirds of the deaths have occurred in the four coldest months, while only one-third have occurred in the other eight months.



## THE DISPOSAL AND STATE OF PATIENTS

*Admitted during the three months commencing Oct. 1st and ending December 31st, 1856.*

| Number. | Age. | Sex.   | Civil State. | County.       | Nativity.     | Occupation.  | Supposed Cause.            | Apparent Form.   | Result.     |
|---------|------|--------|--------------|---------------|---------------|--------------|----------------------------|------------------|-------------|
| 1       | 37   | Male   | Single       | Tuolumne      | Massachusetts | Miner        | Death of brother           | Suicidal         | Recovered.  |
| 2       | 32   | Male   | Single       | Solano        | Missouri      | Farmer       | Exposure                   | Mania            | Recovered.  |
| 3       | 30   | Female | Single       | San Francisco | Scotland      | House-keeper | Loss of money              | Monomania        | Improved.   |
| 4       | 32   | Male   | Single       | Sacramento    | S. Carolina   | Merchant     | Syphilis                   | Periodical mania | Recovered.  |
| 5       | 35   | Male   | Single       | Siskiyou      | France        | Miner        | Disappointment in business | Mania            | Improved.   |
| 6       | 37   | Male   | Single       | Sacramento    | Kentucky      | Farmer       | Losses                     | Monomania        | Recovered.  |
| 7       | 9    | Female | Single       | Sutter        | Unknown       | Unknown      | Fright                     | Epilepsy         | Unimproved. |
| 8       | 30   | Male   | Single       | San Francisco | Massachusetts | Plasterer    | Hereditary                 | Homicidal        | Recovered.  |
| 9       | 40   | Male   | Single       | Nevada        | England       | Miner        | Epilepsy                   | Periodical mania | Stationary. |
| 10      | 24   | Male   | Single       | Calaveras     | Arkansas      | Miner        | Syphilis                   | Dementia         | Recovered.  |
| 11      | 29   | Male   | Married      | Sacramento    | Massachusetts | Jeweler      | Death of wife              | Mania            | Unimproved. |
| 12      | 45   | Female | Married      | El Dorado     | Unknown       | Unknown      | Use of opium               | Melancholia      | Unimproved. |
| 13      | 47   | Male   | Married      | Butte         | Pennsylvania  | Miner        | Drink                      | Melancholia      | Unimproved. |
| 14      | 14   | Male   | Single       | Fresno        | Missouri      | Unknown      | Congenital                 | Amentia          | Stationary. |
| 15      | 11   | Male   | Single       | Fresno        | Missouri      | Unknown      | Congenital                 | Amentia          | Stationary. |

|    |    |        |         |               |               |             |                            |                  |             |
|----|----|--------|---------|---------------|---------------|-------------|----------------------------|------------------|-------------|
| 16 | 40 | Male   | Married | San Francisco | Germany       | Sailor      | Death of wife              | Melancholia      | Recovered.  |
| 17 | 30 | Male   | Single  | San Francisco | New York      | Unknown     | Jealousy                   | Dementia         | Recovered.  |
| 18 | 30 | Male   | Single  | Calaveras     | Ireland       | Miner       | Intemperance               | Delirium tremens | Improved.   |
| 19 | 40 | Female | Married | San Francisco | New York      | Unknown     | Intemperance               | Melancholia      | Stationary. |
| 20 | 35 | Male   | Single  | Placer        | Massachusetts | Miner       | Pecuniary losses           | Mania            | Unimproved. |
| 21 | 24 | Male   | Single  | Tuolumne      | Pennsylvania  | Painter     | Intemperance               | Monomania        | Improved.   |
| 22 | 25 | Male   | Single  | Tuolumne      | Missouri      | Miner       | Disappointment in business | Dementia         | Improved.   |
| 23 | 25 | Male   | Single  | El Dorado     | Unknown       | Miner       | Religion                   | Melancholia      | Improved.   |
| 24 | 25 | Male   | Single  | Sacramento    | Ohio          | Wagon maker | Spiritualism               | Mania            | Recovered.  |
| 25 | 20 | Male   | Single  | Alameda       | California    | Ranchero    | Unknown                    | Mania            | Improved.   |
| 26 | 33 | Male   | Single  | Shasta        | Vermont       | Ferryman    | Fear                       | Melancholia      | Stationary. |
| 27 | 31 | Male   | Single  | Nevada        | Arkansas      | Miner       | Pecuniary reverses         | Suicidal         | Recovered.  |
| 28 | 24 | Male   | Single  | Placer        | Missouri      | Merchant    | Masturbation               | Mania            | Stationary. |
| 29 | 28 | Male   | Single  | Placer        | New York      | Miner       | Home sickness              | Mania            | Unimproved. |
| 30 | 30 | Male   | Single  | El Dorado     | Massachusetts | Miner       | Home sickness              | Mania            | Unimproved. |
| 31 | 30 | Male   | Single  | Nevada        | Illinois      | Miner       | Pecuniary reverses         | Melancholia      | Stationary. |
| 32 | 40 | Female | Married | Crescent City | Missouri      | Unknown     | Religion                   | Mania            | Improved.   |
| 33 | 35 | Male   | Single  | San Francisco | Germany       | Unknown     | Injury of the head         | Mania            | Improved.   |
| 34 | 30 | Male   | Single  | San Francisco | New York      | Unknown     | Syphilis                   | Mania            | Stationary. |
| 35 | 25 | Male   | Single  | El Dorado     | Virginia      | Miner       | Dyspepsia                  | Monomania        | Recovered.  |
| 36 | 25 | Male   | Single  | San Jose      | Mexico        | Unknown     | Unknown                    | Dementia         | Unimproved. |
| 37 | 35 | Male   | Single  | Mariposa      | Unknown       | Miner       | Exposure                   | Mania            | Improved.   |
| 38 | 35 | Male   | Single  | San Joaquin   | N. Carolina   | Miner       | Rheumatism                 | Dementia         | Improved.   |
| 39 | 38 | Male   | Single  | Placer        | Ohio          | Miner       | Fear                       | Periodical mania | Stationary. |

TABLE I.

Showing the age of Patients admitted during the three months ending December 31st, 1856.

|                         | Males.   | Females. | Total.   |
|-------------------------|----------|----------|----------|
| No. under 10 years..... | •        | 1        | 1        |
| No. from 10 to 20 ..... | 2        | •        | 2        |
| No. from 20 to 30 ..... | 11       | •        | 11       |
| No. from 30 to 40 ..... | 19       | 1        | 20       |
| No. from 40 to 50 ..... | 2        | 3        | 5        |
|                         | <hr/> 34 | <hr/> 5  | <hr/> 39 |

Average age of male patients.....30 years.

Average age of female patients.....33 years.

Age of youngest patient..... 9 years.

Age of oldest patient.....47 years.

The social condition is thus classed :

|                 | Males. | Females. | Total. |
|-----------------|--------|----------|--------|
| Married * ..... | 3      | 3        | 6      |
| Single .....    | 31     | 2        | 33     |

Insanity is not a disease of youth or of old age; it is seldom known among children unless in the form of Congenital Idiocy. A cause which will excite Mania in the young will often produce Melancholia in the aged.

The young and those in the vigor and promise of manhood, are more easily cured than the old, though some statistics show the prospects of recovery greater after forty.

The aggregated evidence of every Asylum attest that it is "good for a man to marry," the married are much more exempt from mental alienation than the single.

TABLE II.

Showing the nativity of patients admitted during the three months ending December 31st, 1856:

|                     | Males. | Females. | Total. |
|---------------------|--------|----------|--------|
| Massachusetts.....  | 5      | 0        | 5      |
| Missouri .....      | 5      | 1        | 6      |
| Scotland .....      | 0      | 1        | 1      |
| South Carolina..... | 1      | 0        | 1      |
| France.....         | 1      | 0        | 1      |

\* One a widower.

|                        |   |   |   |
|------------------------|---|---|---|
| Kentucky .....         | 1 | 0 | 1 |
| Unknown .....          | 2 | 2 | 4 |
| England.....           | 1 | 0 | 1 |
| Arkansas.....          | 2 | 0 | 2 |
| Pennsylvania.....      | 2 | 0 | 2 |
| Germany .....          | 2 | 0 | 2 |
| New York.....          | 3 | 1 | 4 |
| Ireland .....          | 1 | 0 | 1 |
| Ohio .....             | 2 | 0 | 2 |
| Native California..... | 1 | 0 | 1 |
| Vermont.....           | 1 | 0 | 1 |
| Illinois.....          | 1 | 0 | 1 |
| Virginia.....          | 1 | 0 | 1 |
| Mexico .....           | 1 | 0 | 1 |
| North Carolina.....    | 1 | 0 | 1 |

31 Americans, 8 foreigners. Of those patients admitted since the 1st of October, a large portion are Americans; but of the old cases, the reverse is the case. At least two thirds now in the Asylum are foreigners.

TABLE III.

Showing the number of Patients from the several Counties as designated.

|                    | Males. | Females. | Total. |
|--------------------|--------|----------|--------|
| Tuolumne .....     | 3      | 0        | 3      |
| Solano.....        | 1      | 0        | 1      |
| San Francisco..... | 5      | 2        | 7      |
| Sacramento.....    | 4      | 0        | 4      |
| Siskiyou.....      | 1      | 0        | 1      |
| Sutter .....       | 0      | 1        | 1      |
| Nevada.....        | 3      | 0        | 3      |
| Calaveras.....     | 2      | 0        | 2      |
| El Dorado.....     | 3      | 2        | 4      |
| Butte.....         | 1      | 0        | 1      |
| Fresno.....        | 2      | 0        | 2      |
| Placer.....        | 4      | 0        | 4      |
| Alameda.....       | 1      | 0        | 1      |
| Shasta.....        | 1      | 0        | 1      |
| San Jose.....      | 1      | 0        | 1      |
| Mariposa.....      | 1      | 0        | 1      |
| Crescent City..... | 0      | 1        | 1      |
| San Joaquin.....   | 1      | 0        | 1      |

TABLE III.

Showing the occupation of Patients.

|                   | Males. | Females. | Total. |
|-------------------|--------|----------|--------|
| Miners .....      | 17     | 0        | 17     |
| Farmers .....     | 2      | 0        | 2      |
| House-keeper..... | 0      | 1        | 1      |
| Merchants .....   | 2      | 0        | 1      |
| Unknown.....      | 6      | 4        | 10     |
| Plasterer .....   | 1      | 0        | 1      |
| Jeweler .....     | 2      | 0        | 1      |
| Sailor.....       | 1      | 0        | 1      |
| Painter .....     | 1      | 0        | 1      |
| Wagon Maker.....  | 1      | 0        | 1      |
| Ranchero .....    | 1      | 0        | 1      |
| Ferryman .....    | 1      | 0        | 1      |

The occupation of the various patients is confined mostly to the laboring classes—mostly miners. An interesting inquiry might be instituted : whether fatigue of body or of mind favors most the increase of insanity; and why the largest number of insane are to be found among the miners, who, it is conceded, are the most hardy and energetic of our population, and yet they, of all others, show the greatest proclivities to mental disturbance. One half of the admissions since the establishment of this Asylum has been of this class.

TABLE V.

Showing the supposed causes of Insanity under treatment for the three months ending December 31st, 1856.

## MORAL CAUSES.

|                                 |   |
|---------------------------------|---|
| Death of brother .....          | 1 |
| Pecuniary reverses.....         | 4 |
| Disappointment in business..... | 3 |
| Fright .....                    | 1 |
| Death of wife.....              | 2 |
| Jealousy .....                  | 1 |
| Religion.....                   | 2 |
| Spiritualism.....               | 1 |
| Fear.....                       | 2 |
| Home sickness.....              | 2 |

## PHYSICAL CAUSES.

|                     |   |
|---------------------|---|
| Exposure .....      | 2 |
| Syphilis.....       | 3 |
| Hereditary .....    | 1 |
| Epilepsy .....      | 1 |
| Use of opium.....   | 1 |
| Intemperance .....  | 5 |
| Congenital.....     | 2 |
| Unkuown.....        | 2 |
| Masturbation.....   | 1 |
| Injury of head..... | 1 |
| Rheumatism.....     | 1 |

Pecuniary reverses rank highest in the calendar of moral causes, and intemperance in that of physical causes. The causes of insanity are not arbitrary, but incident to all diseases. Much depends upon the predisposition and the state of the system, and the local causes influencing at the time of exposure—the force of the shock is felt on the weakest organ. The same cause may produce gout or fever, erysipelas or neuralgia, according to the predisposition; or an individual may be seized with fever when irritation will attack the stomach, or the lungs, or the brain or any other organ in the ratio as those several organs may have a tendency to disease. Any of the causes, moral or physical, capable of disturbing the nervous equilibrium, either through nervous irritation or increased muscular action, primarily or sympathetically, may under certain circumstances produce mental disease.

Generally, insanity arising from physical causes is easier cured than when consequent upon moral causes—when the moral cause is sudden and powerful the chances for recovery are greater than when the causes are slight and gradual.

Statistics show that in the wealthy and well educated classes the moral causes predominate, but among the poor and uneducated the larger proportion of physical causes appear.

TABLE VI.

Showing the apparent forms of Insanity under treatment for the three months ending Dec. 31st, 1856.

|                        | Males. | Females. | Total. |
|------------------------|--------|----------|--------|
| Suicidal.....          | 2      | .        | 2      |
| Mania .....            | 12     | 1        | 13     |
| Monomania.....         | 3      | 1        | 4      |
| Periodical Mania ..... | 3      | .        | 3      |
| Epilepsy .....         | .      | 1        | 1      |
| Homicidal .....        | .      | 1        | 1      |
| Dementia.....          | 5      | .        | 5      |
| Melancholia.....       | 5      | 2        | 7      |
| Delirium tremens ..... | 1      | .        | 1      |
| Amentia .....          | 2      | .        | 2      |

Most of the varied forms of insanity are to be found in this table. Acute mania is the most violent and common form of insanity, and cured most readily. Dementia is often the consequence of mania, though it may exist primarily. "Acute dementia is frequently curable, chronic never or seldom." Melancholia may run into mania or degenerate into dementia.

The two cases of idiocy (amentia) are brothers, from Fresno county, and the most distressing specimens of humanity it has ever been our misfortune to meet—blind, the power of speech lost, possessing no faculty of voluntary locomotion. The eldest is kept in constant agitation by St. Vitus' dance; (chorea;) his contortions stagger the imagination, and defy any description; day and night, waking and sleeping, they continue in their chairs, and never lie down even to sleep. One has no teeth, and to both the power of mastication is lost; their food consists of bread and milk: tempting dishes of soup and edibles have failed to induce them to vary this diet.

The case of delirium tremens, unlike most of this class, was a confirmed case of insanity; the only difference between delirium tremens and insanity resulting therefrom is, that in the early stages it is called delirium tremens, and after it has continued a while it is called insanity. This case recovered and has been discharged.

TABLE VII.

Showing the number of recent cases discharged; also the condition of those remaining December 31st, 1856 :

|                  |    |
|------------------|----|
| Recovered .....  | 11 |
| Improved .....   | 13 |
| Unimproved ..... | 15 |
| Deaths .....     | 0  |

This exhibit represents the result of recent cases admitted since the 1st of October. During the three months 30 per cent. have recovered, 33½ per cent. improved, while none have died; and of the unimproved cases, all, with the exception of four or five, are believed to be curable.

### PREVENTION OF INSANITY.

The various physical and moral causes favoring insanity have been tabulated elsewhere, and the application is manifest that not only physical but moral means must be applied and to protect us against this pest of the human mind.

We must adhere to those physical laws of health through which the vital forces sustain their vigor and activity—the corporeal health must be preserved. The strictest surveillance should be exercised to avoid intemperance in eating or drinking—debauchery, sensuality, and all other excesses which destroy the sympathy and impair the harmony of the human system, through which the digestive organs are weakened, the physical system enervated, and nervous equilibrium deranged, as the mind cannot be excited without the stomach responding, so the stomach cannot be disordered without the mental faculties sympathizing. The various passions, emotions, and affections, must be restrained, and everything calculated to give undue excitement to the mind. One excess may not produce mental alienation, and the brain may not be disordered by one excitement, yet by a continual succession of such excitements and corresponding depressions, the nervous power of the sensorium may become congested or exhausted. The relation of the body to the mind and mind to the body must be preserved; each excess must yield to the recuperative antidote, activity must give place to quietness, exercise to rest, business to recreation, labor and fatigue to leisure and sleep; each operating upon and influencing one another; each exercising a reciprocal action as to tend to preserve the nervous balance on which the mental and corporeal health so much depends.

The advice of the great Boerhave, was to keep the head cool, the feet warm, and bowels open, and bid defiance to the physician.

There exists frequently an hereditary predisposition to mental derangement. This predisposition however, will not of itself be sufficient to produce this disease, yet, much slighter causes will operate than when the hereditary tendency does not exist.

While we have inherited from our ancestors every blessing “civil and religious liberty” can bestow, all the advantages art and science can afford, the “glorious heritage” of education, refinement and literature: we likewise too have the “sins of the father visited upon us.” To them we are indebted for scrofula, gout, phthisis, and a “thousand ills flesh is heir to,” as well as the various mental diseases. To this maniacal diathesis, not only are we ourselves directed, but parents especially in the management and education of their children. The precocity of the youth of the present age, springing as it were from the cradle to the marriage bed, demands

a careful guardianship over the passions and animal propensities incident to our nature. Animal life, says a writer, is governed by the same laws as vegetable life, and constitutions may be engrafted in the young human system, just as a hardy and luscious fruit is made to grow from a decaying and almost sapless trunk.

Much of the vitality of a child is expended in his growth and development; hence the necessity of preserving the bodily health intact by strictly adhering to well established hygienic laws: bodily disease is sometimes encountered, manifesting itself either in the derangement of the functions of some important organ, or in great nervous irritability. This should be promptly met by early medication. Having fortified their constitutions against the physical causes, our attention should then be directed to preparing the mind to overcome the various trials and disappointments of life, and to resist the influences of all those moral causes which are represented as inductive to insanity.

Educate the mind, exercise the body, establish a mutual relation between both; the mind should not be over-strained by too close study, nor the body enervated by too much confinement. The vitality necessary to the development of the child should not be expended on the mind, nor should there be a neglect of sufficient exercise and recreation, and of the requisite amount of fresh air to promote digestion, to circulate healthy blood, and to impart vigor to the nervous system and vitality to the brain.

By a strict observance of the foregoing precautions and proper regard to the moral and mental training, even in the present generation, this "*opprobrium animi*" of the human race may be materially modified, and in generations to come, entirely eradicated.

## TREATMENT.

Admit with Dr. Munro that insanity is not a disease of the vascular system, but of deficient nervous action consequent on loss of vitality; and ascertain the cause of each particular case, and the treatment indicated is obvious, the remedies are abundant,—a judicious use of them is all that is required to be as successful in the treatment of this as of other diseases. It should be treated on the same general principles of science as other infirmities, eradicate the cause when consequent upon bodily disease, and prescribe for the various symptoms as they may be presented.

A patient is introduced into the Asylum; we examine the various tissues and viscera of the body, the skin, the liver, intestines, lungs, &c; and ascertain which, if any, are the predisposing or exciting causes,—or whether the mental alienation depends upon unhealthy action of the organism of the brain. If the delusions of the mind are excited sympathetically from irritation or disease in some important organ, restore the disordered functions of that organ, and the case is comparatively at an end.

On the — of October, Mr. ——— was admitted into the Asylum, suffering under dyspepsia, consequent upon subacute gastritis and superinduced by hypercatharsis, much emaciation, appetite gone, digestion much impaired, and unable, frequently, to retain any thing on his stomach; manifesting at times, much mental disturbance characterized by hallucinations and frequent delusions. We disregarded the mental condition, and treated this case on proper therapeutical principles, as one of subacute gastritis, and one month after admission, he was discharged, restored to health of both body and mind. Had this case been treated according to the mental symptoms, the inference is irresistible that the light of reason would never again have beamed upon his mind.



Some time during the progress of insanity, although none was discernible at first, some serious functional or organic derangement may occur; this, likewise, demands our earliest attention. Insanity, the result of a disordered state of the organism of the brain, primarily is the form generally encountered.

On entering an Asylum for the Insane, the first duty of the physician is to throw his lancet out of the window or allow it to rust in the sheath, for rarely can bleeding ever be justifiable.

In idiopathic inflammation of the brain or membranes, as phrenitis, arachnitis, or meningitis, (cases seldom found in an Insane Asylum,) the greatest confidence is intrusted to the lancet, but far otherwise when the inflammation is complicated with insanity,—this form is “*sui generis*,” and demands specific treatment. If the patient should survive the bleeding, or even rally for a while, he may soon sink into a fatal coma, or else the disease degenerate into a hopeless dementia. Occasionally cases occur justifying topical bleeding, such as cupping in the temples, &c.

Laxatives are frequently used by us; the black draught (*infus. scenne et sulph. magnesiacæ*), is preferred to any other, acting promptly yet mildly. Tonics and stimulants are given freely. Wine of iron (*vinum ferri*), ranks high in our confidence. But the only anti-maniacal drugs (there are no such drugs, we use the term generically) are the various sedatives and narcotics, such as hyosciamus, conium, &c., and the various preparations of opium; but after having tried all we are compelled to fall back on opium “the *divinum remedium*,” not that this drug possesses any of the qualities of a specific, but that no other is so effectual except chloroform, in calming the perturbed feelings, modifying the delusions, quieting excitement, and substituting rest and sleep for confusion and wakefulness.

We protest, however, against the administration of this drug in large doses and then discontinuing it. This may quiet the patient for a time, and afford some peace and comfort to the physician, but if persisted in, increases the nervous irritability after the first impressions wear off; each successive dose, though affording temporary relief, but serves when thus administered to impair digestion, to destroy the appetite, to feed the flame of mental excitement, and to retard the cure. Rather let it be given in smaller doses, but continuously, until the desired effect is attained, thereby avoiding that great debility and those symptoms already referred to, which ensue when it becomes necessary to discontinue its use.

When a prompt and efficient anodyne and sedative is necessary nothing can be more effectual than chloroform, administering one half to one tea spoonful made into an emulsion with mucilage of gum acacia, and in a few moments the most violent maniac is subdued in quiet.

Bathing should frequently be resorted to—cold or warm, as the circumstances of the case may indicate; also, the cold effusion and douché; nothing acts so promptly as a sedative as this remedy in quieting confusion, controlling excitement and inducing to sleep, likewise promoting the action of other remedies, and often superseding the necessity of medication. By it also the noxious exhalations of the body are removed, the pores of the skin opened and free, healthy perspiration encouraged, a uniform reaction determined to the capillaries, and cleanliness one of the great conservators of health preserved.

Gibbon, speaking of bathing and the estimation in which it was held by the ancients, says that it was the greatest boast of the poorest peasant in Rome, that for a copper coin he could enjoy this luxury in common with the noblest Roman.

The moral treatment is to diminish the excitability, and to divert the mind from its delusions, study the tastes, sympathies, and former pursuits, that the patient may be gratified, comforted, and entertained. Do anything, everything that is calculated to draw off the mind from its morbid fancies. The means to be employed are the kindness and attention of keepers and attendants,—the employment of various kinds. Pascal asserts, a man must have some occupation to withdraw him from himself.

Some patients are occupied by labor, some amuse themselves by singing, and by a variety of other entertainments; and those who have a talent for music are allowed musical instruments, the happy influence of which has been frequently observed. The desire to read is one of the characteristic symptoms of convalescence, and such patients call for the morning papers with great regularity. Moral treatment is frequently the only recourse. A case of this kind occurred under our charge, which may not be uninteresting: Miss —— was admitted into the Asylum, laboring under violent acute mania superinduced by love, symptoms of the most distressing nature existed. She was wild, incoherent, and much excited—every sentiment and emotion was perverted.

On —— day it was announced to her that Mr. ——, her lover, was in the parlor, and awaited her presence; when his person was revealed to her sight the light of reason resumed its throne, and dissipated in a moment the cloud which had obscured her senses. With alacrity and fidelity she rushed into his arms, exhibiting entire calmness and composure. So manifest was the improvement, she was permitted to dine at our table, accompanied by her lover, conducting herself with perfect decorum, except, under an impulse, she thrust her hand into one of the dishes—(an eagerness to eat, common to persons recovering from insanity). She was reprimanded, and appreciated fully her impropriety. By our advice she was removed to the house of a female friend residing in this city, that it might be ascertained whether the happy influences so suddenly commenced would prove permanent.

We could not hazard the experiment of returning her to her room. She left us joyous and happy. Two days after we were gratified by a visit from this couple, and when we saw the hope, and joy, and comfort, and happiness, lighting up her countenance, and the smiles and kindness of him animating and kindling up her mind, our response sought the Giver of light of mind, of life. Here was the recompense for the anxiety and care this case had caused us—restored to health, she now enjoys the comforts of a happy home, and the consolations of a devoted husband.

Chronic dementia and epilepsy are generally incurable, except in recent cases of epilepsy, and in young subjects disconnected with lesion of the cerebro-spinal system. No case of this kind has thus far been admitted, and it is not deemed necessary to dilate upon the treatment.

The absence of all restraint has been observed as far as practicable. But the high wages to be paid to attendants and keepers precludes its disuse to the same extent as in the Eastern States, where wages are low, and a large number of keepers are always employed. Every effort should be made to dispense with straps, chains, and locks in an Asylum, and rather, as Dr. Jamieson says, "put the padlock on the mind—the lock on the human understanding."

We copy from Dr. Jamieson, certain aphorisms of Dr. Burrows, summing up the chances of recovery from insanity:

"Recovery may be anticipated in proportion to the youth of the patient and the recentness and comparative mildness of the attack.

"The chances of recovery are greatest in the first attacks, and diminish with each subsequent invasion, and with the duration of the disease, and advanced age of the patient.

"Mania is cured most frequently, next melancholy and monomania; lastly and the least, dementia and fatuity. Melancholia is difficult of cure in proportion to the degree of depression, a dread of poverty, of poison, and perverted ideas of religion indicating an obstinate disease. Chronic insanity seldom recovers; puerperal mania generally. Insanity with a propensity to suicide is a favorable form, if recent, and coming under early treatment. Acute dementia is curable, Chronic dementia and insanity not so. Insanity caused by excessive study, by the slow operation of moral emotions, or attended by hallucinations, by pride, &c., is seldom cured. Complications with apoplexy, palsy and epilepsy are incurable and fatal."

## DIET.

The diet is simple but substantial, and good animal food is allowed twice a day; vegetables are in abundance; tea, coffee, and water constitute the drinks. The sick have a prescribed diet,—that is, the feeble and sickly are allowed milk and such food as is adapted to the impaired condition of the digestive organs; while in acute mania, full and nourishing diet is administered. This, acting as a sedative, calming the excited feelings and inducing to sleep, while low diet impairs the vital energies and physical forces, increases the irritability and as a consequence, retards the recovery.

## EXPENDITURES.

Economy is exercised in every department,—not parsimoniously, nor have any expenses been incurred unnecessarily, but always when the cure of patients might be expedited thereby.

Economy, says a physician who has had charge of an Asylum many years, ceases to be judicious, in fact to be economy, when it deprives a single individual of any means which might be conducive to his restoration. If, by a small outlay, patients are restored and discharged earlier, even if viewed in no other light than according to the laws of profit and loss, the State is the gainer.

The expenses of October, exceed those of the other months, on account of the large amount of clothing, bedding, &c., to be furnished and necessary repairs about the premises and on the building, preparatory to the rainy season—\$45,000 in cash, or its equivalent in scrip, will probably be sufficient for the support of the Asylum for the ensuing year. \$5,000 should also be appropriated for the purchase of furniture for the wing just completed, and a library of scientific and medical works. This desideratum should be no longer neglected; a few miscellaneous works of light literature are all the books which are to be found in the institution.

## IMPROVEMENTS.

\* The Building which was authorized to be erected by an act of the last Legislature, is now nearly complete; it is 130 feet long and 50 feet wide, two stories high, and contains four parlors and forty single rooms distributed equally above and below.

The south wing should be altered as soon as practicable, so as to conform to the new one; not so much for its architectural exterior, as on account of its internal arrangements.

In this entire wing, there is not one single room, but made up entirely of “associated dormitories,” nor are one of these rooms adapted to the treatment of a violent patient. When the whole building shall have been completed as originally designed, the accommodations will be sufficient for many years to come, and will compare favorably with most institutions of the kind for its magnificence, and the facilities afforded for carrying out the purposes of its erection, and surpass many in the spaciousness of its grounds and the opportunities for healthful and vigorous exercise.

The embarrassed financial condition of the State Treasury deters us from urging many necessities which are requisite appendages to an Insane Asylum. It may not be improper however to refer to some of the most important.

\* For full description, see Trustees' Report.

The present fence, built of boards, is fast decaying, and will not much longer serve as a barrier to escapes. A substantial wall, in its stead, would relieve the Superintendent of much anxiety, and afford security and opportunities for recreation and fresh air not now enjoyed by those inmates who manifest a disposition to elope, except when accompanied by an attendant.

Our duty would not be discharged if we failed to direct your special attention, and through you that of the Legislature, to the wooden building situated within twenty feet of the new wing just erected : a single spark, once enkindled, would be communicated, and in a few moments this noble charity, the pride and glory of the State, would be leveled to the ground. Nor is this all. Humanity recoils at the picture. Do we not remember the burning of the Asylum in Maine, when so many of the unfortunate inmates perished ?

It is believed that true economy would be subserved by removing the old dwelling a little distance from the main building, and converting it into a mad-house—an addition much needed—and building a substantial dwelling of brick. The outlay for the whole would involve but a very small amount.

The patients who are able and willing to work are now engaged in preparing a part of the grounds for the cultivation of a garden, from which it is expected many of the vegetables required for their use during the ensuing summer will be raised. Many improvements have been made by their labor : such as laying side-walks and keeping the premises in repair. About one-fourth are disposed to labor, and they about one-fourth of the time. A lunatic has never been forced to work, and as a general rule their labor is resorted to more as a means for healthful exercise and to facilitate their recovery than for any profit which might result therefrom. The profits of one of the best conducted institutions of the East, with all its facilities, were only \$900.

### PATIENTS AND COUNTY JUDGES.

It would materially facilitate the duties of the Superintendent, and redound to the benefit of the patients sent to the Asylum, if the County Judges of the several Counties would in their certificates of commitment, detail more fully the history of the patients, the causes of, and the circumstances attending their insanity, the previous habits; and, also, state whether they have means to pay their expenses, or are to be received as pauper lunatics.

### EDITORS AND PUBLISHERS.

Our thanks are due, both in behalf of ourself, and those of whom we have charge, to various editors, and publishers, for many favors.

On receiving our report we hope the publishers throughout the State will favor us with an exchange, the amount contributed by each proprietor is small, but in the aggregate forms quite a respectable library for the inmates.

### CONCLUSION.

In a few moments our duty for the present year will have been completed, our embarrassments have been many and extraordinary, and it is not without gratitude to the Father of all mercies that our efforts have been brought to so successful a termination. The Assistant Physician is entitled to share whatever of success has attended us, his kindness and attention has won the affection of the patients, and his skill and professional ability, contributed in no small degree to the encouraging record presented, and in him the State has an able and faithful officer, who knows his duty and performs it.

The Steward has lightened our labors to a great extent, and to his integrity and business capacity, much of the economical administration of the institution is attributable, and has in every respect discharged his duty with perfect satisfaction to the Superintendent, and to the best interests of the State.

We are under many obligations to the Matron, the various duties in her department though arduous, have been faithfully performed, and her efforts have been constant and unceasing to ameliorate the condition of the female patients, and render them comfortable and happy.

With many thanks for your uniform kindness, and with the hope that our efforts will meet your approval, that of the Legislature, and of the people, as it has the approval of our own conscience, we pledge our earnest zeal to the duties of another year, and commend this humane institution to your watchful supervision—to the fostering care of the State—and to the protection of an all-wise Providence.

SAMUEL LANGDON,

Resident Physician.

STOCKTON, (California,) December 31st, 1856.

STOCKTON, Jan. 17, 1857.

JOHN W. O'NEAL,

President of Board of Trustees of State Insane Asylum :

SIR :—I had intended to defer my report, as architect and superintendent of the north wing of the Asylum building, until its completion ; but at your request, I take pleasure in giving you the following statement of its condition :

The sum appropriated by the Legislature was forty thousand dollars, in State warrants ; out of which the amount of the original contract with Mr. Fennel, thirty-five thousand dollars, is to be deducted, leaving a balance of five thousand dollars, with which is to be paid Mr. Fanning's claim of seven hundred dollars, for removing the frame house and putting a brick foundation under it ; also for removing fences, stairs, and otherwise clearing the site for the wing now in course of construction. And in relation to this matter, I would call your attention to the fact that the Controller of State has refused to audit the amount of said claim. Whether he was right or wrong, is not for me to say ; but in justice to Mr. Fanning, the contractor for said work, I will give you the circumstances connected with it. About the first of August, the Building Committee called on me to give them an estimate of the cost of the work necessary to be done to clear the site for the commencement of the new building ; I therefore examined it carefully, and reported that the sum of seven hundred and fifty dollars was sufficient. The Building Committee then called on two gentlemen, builders, in the city, and the proposition of one was twelve hundred and five dollars, and the other, seven hundred dollars ; the latter one of which received the contract and faithfully performed the work, to the entire satisfaction of the Trustees and myself, for which he has not received one dollar.

In relation to Mr. Fennel's contract, I have to say that with one or two exceptions, (which, however, he has shown a desire to correct,) the building has been done according to agreement so far as workmanship and material are concerned, but he has not completed it in the time specified. As I understand it,

he signed the agreement to complete and turn over the building within ninety days from the second day of August, 1856 ; which you are well aware has not been complied with. As the representative of the Trustees and the agent of the State in the matter, it is not for me to give any reasons for his failure ; but I would respectfully recommend that he be dealt with as leniently as is consistent with duty. My reasons for the above recommendation are, that Mr. Fennel has shown a disposition to immediately correct any error or misunderstanding, and has more than once exceeded his contract in favor of the State, at my request, without any extra charge.

The extra work which has been ordered in accordance with the statutes, consists of deafening six rooms in the second story by means of false ceilings, false walls and counterceiled floors. Also the windows in said rooms have suitable wooden gratings to prevent the escape of the inmates; the doors are also doubled, and arranged in such a manner as to prevent the escape of sound.

It was found necessary that to properly classify the patients, the hall should be divided into four parts,—in view of which, I ordered three partitions to be built across the hall at such points as may be designated by the resident Physician.

The impression of the Trustees, was that the forty thousand dollars appropriation was not sufficient to erect the building,—therefore the work which comes under the head of extra, was necessarily left out of the specifications, but since the contract has been taken at thirty-five thousand, (\$35,000,) they had a margin sufficient to have all necessary work done, which is now being completed.

I had nearly omitted to mention that brick walks have been laid around the building, and that the same were properly ordered by the Building Committee of your Board.

All of which is respectfully submitted.

F. E. CORCORAN,

Architect and Superintendent,

Of the erection of the additional wing of the Insane Asylum.



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IN ASSEMBLY.]

[EIGHTH SESSION.

REPORT  
OF  
SELECT COMMITTEE  
APPOINTED TO INVESTIGATE MATTERS PERTAINING TO THE  
STATE TREASURY DEPARTMENT.

[JAMES ALLEN, STATE PRINTER.

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# REPORT OF SELECT COMMITTEE.

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MR. SPEAKER :

The Select Committee, to whom was referred the investigation of the facts connected with the alleged remittance to New York of the sum of one hundred and twenty-four thousand dollars, to provide for the payment of the semi-annual interest due upon the funded civil debt of the State, falling due on the first day of July next, with instructions to inquire into the subject of the failure on the part of the State to pay the interest which was due upon the same debt upon the first day of July last, ask leave to make the following

## R E P O R T .

In a matter of so much importance to the State, and of such grave import to the parties concerned, the Committee have been careful to take the testimony of all persons from whom they supposed information could be obtained, and to base their reflections upon the facts thus furnished, unwilling to trust to their own suspicions, or even to their own judgment, for safe guidance in searching out the information and in developing the facts most desirable to know for the purposes of the investigation.

As early as December 1855, before the Treasurer entered upon the duties of his office, he made a contract with the Express and Banking House of Wells, Fargo & Co., to receive and pay the semi-annual interest upon the bonds for the civil debt of the State, upon the 1st days of July and January of each year during his term of office. Under former State Treasurers these payments had been made by the Banking House of Palmer, Cook & Co. The new Treasurer, when about to assume the duties of his trust, it is presumed, partook of the distrust which was generally felt towards these defaulting agents. The defalcation in July, 1854, by which the credit and character of the State was first shaken, and which was wrought solely for the purpose of allowing speculating vultures to feed upon the State credit, had received too broad and general reprobation

not to convince him that it was advisable to cast off the faithless agents by whom his predecessor had been deceived. Had the new contract been faithfully carried out by the Treasurer, when the time for its performance arrived, new calamities to State character and name would have been prevented, and what is of great, though not equal consequence, great losses of money from the Treasury would not have happened. It is easier for the State to repair the loss of a few scores of thousands, than to regain the position lost by the impeachment of her credit. A State debt not being collectable by process of law is therefore a debt of honor.

But, as the sequel will show, the Treasurer, from a fatal proclivity to unite his fortunes and that of the trust confided to him with the house of Palmer, Cook & Co., was found about the 1st of April, 1856, beseeching Wells, Fargo & Co to release him from his contract with them, so far as it related to the July interest then next accruing, and gave as a reason for such request that he was unable to comply with the contract, inasmuch as Palmer, Cook & Co. *had already forwarded about fifty thousand dollars* of the funds designed for that purpose to New York. That Palmer, Cook & Co. should thus early have gotten possession of the public funds, may seem surprising to some, but not to such as have studied the intimacy between that concern and the State Treasury for the past four years.

In order that no repetition of this failure should occur on the part of the Treasurer, Wells, Fargo & Co. soon after demanded that their contract, which hitherto had been a verbal one, should be reduced to writing. Accordingly, on the 15th day of April, 1856, a written contract was entered into between the Treasurer of State and Louis McLane, Jr., agent of said house, by which the former agreed to furnish the money, and the latter agreed to pay the interest for the remainder of the Treasurer's official term, excepting, of course, the then ensuing July interest, a copy of which contract is annexed hereto.

That Palmer, Cook & Co., had failed again in paying the July interest was not *positively* known in California until the arrival of the steamer, about the first of August. Then the Treasurer had recourse to Wells, Fargo & Co., with whom an arrangement was speedily made to pay the same as soon thereafter as circumstances would permit, and the money withdrawn from the Treasury for that purpose. Nothing has ever been realized from Palmer, Cook & Co., except the sum of fifteen thousand dollars by means of a draft drawn by them upon New York, and made use of by Wells, Fargo & Co., in paying the interest in pursuance of the before mentioned arrangement. The balance due from them at the present time to the Treasurer is seventy-three thousand five hundred and eighty dollars, with legal interest for the space of ten months. They have used this large amount of the public money for that length of time in their banking business and other speculations, without encountering any overt act of remonstrance or prosecution from the public authorities, until about the first of January last. With a consideration for the interests of the defaulters quite inconsistent with a proper regard for the interests of the State, the Treasurer permitted them to go unmolested, so far as any coercive means were concerned, until the last of December, when the bonds or contracts were placed in the hands of the Governor, who employed attorneys to bring suit against them and their sureties.

The suit cannot be brought to trial for some months hence. The defendants have given notice of their intention to defend, and if the technicalities of the law, always so potent when used in behalf of great offenders, should be overcome and judgment obtained, it is exceedingly doubtful whether any money could be realized upon execution.

This large amount of money is, therefore, lost to the State, and the Treasurer is, in every view of the case, a defaulter to that amount. That it may be recovered, is most devoutly to be wished; but the possibility of such recovery

does not in the least degree affect or change the position of the Treasurer, as a defaulter for that amount. We do not acknowledge the idea that, because an officer has given his official bond, upon the prosecution of which *something may be recovered*, he escapes the liabilities and penalties of a defaulter, when the money is missing from the Treasury and cannot be produced upon demand. Nor can the State be turned off with the bond or contract which the Treasurer receipted from Palmer, Cook & Co., as it was not an official act—said bonds never having been presented to and approved by the Governor, as required by law. Had the Treasurer, before making any arrangement with them, submitted a good and sufficient bond from them to the Governor, and obtained his approval, and loss had then occurred, he and his sureties might have escaped the responsibility; but having violated the law in this respect, the payment to Palmer, Cook & Co. became his own private act, outside of the line of his official duty.

By following the history of the Treasury transactions, with regard to the payment of the semi-annual interest, we are brought to the other and principal object of inquiry, to wit: The alleged remittance to New York to meet the July interest for the year 1857. The January interest for the present year was remitted through Wells, Fargo & Co., in pursuance of the before-mentioned contract with them, on the 5th day of November last. By the recent arrival of the steamer, intelligence is received that the demands of our creditors were promptly met by that house, sixty-five thousand dollars having been paid upon coupons for interest before the sailing of the steamer of the 5th of January.

On the 31st day of December last, the State Treasurer applied to the house of Wells, Fargo & Co., through Mr. McNeil, their cashier at Sacramento, to make arrangements to meet the July interest. Mr. McLane, the chief agent of that firm, and the Treasurer, went to San Francisco on the same day for the purpose, as was understood by the former, to make such arrangements. On the following day, Mr. E. A. Rowe, late a clerk in the Treasurer's office, but then President of the Pacific Express Co., accompanied by the Treasurer, had an interview with Mr. McLane. The Treasurer, however, took no part in the conversation, but remained within view but out of hearing of the parties. Mr. Rowe desired Mr. McLane to give bond and surety to pay the interest without receiving the money. This proposition was declined. Mr. Rowe urged its acceptance, promising to furnish collateral securities upon which the money could be realized in thirty days. But Mr. McLane declined the offer peremptorily, but signified his readiness to furnish a sufficient bond at any time upon receiving the money. Upon this he was informed that the Pacific Express Co. would give a bond. Mr. McLane then claimed that he should insist upon compliance with the Treasurer's contract with him, to which Mr. Rowe replied by assuring him "that it would be all right," and that when the time arrived for forwarding the money, it should be forwarded by the house of Wells, Fargo & Co., and the business transacted in pursuance of the contract.

Two days afterwards the Treasurer made the contract with Mr. Rowe, as President of the Pacific Express, as will appear by reference to a copy thereof hereto annexed.

It was publicly announced about the middle of January that the money had been actually forwarded to New York by the Pacific Express Company, by the steamer of the fifth, and Mr. Rowe informed various persons, among them the Governor and the Attorney General, that such was the fact. Many reasons were given to the public for this remarkable activity, some of which were not very complimentary to the character of the Legislature, but were quite commendatory of the financial abilities and political sagacity of the Treasurer. He was applauded as being the guardian of the honor of the State in having determined to assume the responsibility of paying the interest due next July, and by the same stroke of

policy saving the money from the anticipated extravagance of the incoming Legislature, by the supposed precaution of transferring the same from the vaults of the Treasury to the city of New York.

But an examination of the facts developed by the testimony herewith submitted must convince the most charitable mind, that an unmitigated fraud was attempted, and in fact has been successful. That Mr. Rowe has received the sum of \$124,000 from the Treasury is sufficiently true, but that it was paid to him on the third day of January, in the manner represented by the Treasurer, must be regarded as very doubtful. Mr. Rowe says that it was paid to him at the Treasurer's office on that day in coin, by the Treasurer in person, when no witness was present, and refuses to give the committee any information of the place to which he removed the same, or how or in what manner he disposed of so large a sum. The Treasurer substantially affirms the same statement, except that he states that either Mr. Bunker or Mr. Rhodes was present, but it is disaffirmed by the fact that neither of the clerks in the office ever witnessed such payment, though one of them was in the office during the business hours of that day; and by the fact that it was entered in the cash book of the office as having been paid to Wells, Fargo & Co., on the tenth of January. The book-keeper, Mr. Rhodes, remembers seeing the Treasurer paying Mr. Rowe some money about that date, but had no reason for supposing that it had any connection with the alleged interest remittance, as is abundantly evidenced by his own statement to that effect, and by the fact that when on the tenth he made the entry in the cash book to Wells, Fargo & Co., he had received no intimation that a new fiscal agent had been employed. It is further disaffirmed by the fact that Mr. Rowe, during the space of about one month immediately previous thereto, deposited about \$48,000 at the office of Wells, Fargo & Co., and is unable to account how or where he obtained the money. His account with that office from the 29th of August last up to the 24th day of December, shows a deposit account in his favor of about \$182,000; and from the 5th to the 17th of January of about \$70,000. Transcripts of these accounts from the books of Wells, Fargo & Co. are hereto annexed.

Upon this branch of the subject, the committee deem it unnecessary to comment at length. But one conclusion can be drawn from the testimony, and that is, that the 1st day of January found the Treasurer with a large deficit in his vaults, and that this desperate expedient of employing the Pacific Express was adopted to account for such deficiency, and the various reasons suggested for such premature action were but designed to screen the transaction from suspicion. It was the only alternative, after the refusal of Mr. McLane, which presented itself and was embraced from necessity. The dangerous proximity of the Legislature required either a return to the vaults of the absent funds, or something which would represent them.

It will be remembered that in the outset of the inquiry, the impression was studiously sought to be created that the house of Wells, Fargo & Co. had undertaken the payment of the money, and a Legislative committee appointed to examine the affairs in the Treasury made their report under that impression. The clerk who made the entry upon the cash-book, as before stated, made the same upon the authority of a memorandum in the handwriting of Mr. Rowe, who seemed to be of equal authority in the office with the Treasurer himself. That entry was not changed until after the publication in the newspapers of a copy of the bond given by the Pacific Express Co. to the Treasurer, and then the words "Wells, Fargo & Co." were erased, and the words "Pacific Express" written over the same. It is evident that the Treasurer and Mr. Rowe were both desirous that such impression should be created, as it would be calculated to allay suspicion, and, at least, preserve confidence as to the safety of the funds,

leaving the single point of the propriety of the premature payment to be defended.

Mr. Rowe has been rigidly examined by the committee, in regard to the large sums of money used by him for the last four or five months, and particularly the amounts deposited with Wells, Fargo & Co. in December and January. He generally drew out as fast as he deposited, so that no large balance appeared to his credit for more than a few days. But his memory does not enable him to state from whence any of the money came or whither it went. This singular lack of a very useful faculty, and the private nature of his financial operations, are the only causes assigned by the new fiscal agent for not furnishing the committee with a satisfactory solution of a question which naturally presents itself, to wit: How a clerk in the Treasurer's office, with no fortune and no credit, became possessed of such large sums of money, and gained such an influence over his employer as to induce him to violate his official contract with Wells, Fargo & Co., and confer on himself a trust which no faithful officer would confide to any but the most responsible characters.

The act was the private act of the Treasurer, the bond never having been submitted for approval to the Governor. The amount of \$124,000 was about eight thousand dollars more than was needful to pay the interest, and the additional three per cent for exchange was entirely gratuitous. Any responsible banker would have furnished it at ninety days, at par.

We are, therefore, of the opinion that the Treasurer is a defaulter in the further sum of \$124,000, which makes, with the sum of \$73,580 before mentioned, together with legal interest, the sum of two hundred thousand dollars in round numbers.

The discouraging conviction is forced upon us that the July interest will not be paid unless the Legislature depends upon some other means than the ability or faith of those to whom the Treasurer has trusted. It is with much reluctance that the Committee express this opinion; but it is better to know the worst and prepare to meet it, than to conceal from our minds unpleasant reflections, and procrastinate our efforts to provide against future, but certain evils.

The evidence, upon another subject of inquiry which engaged the attention of the Committee, confirms the truth of the opinion that the money in the vaults of the Treasury has been used outside for purposes of private speculation. When a committee of both Houses of the Legislature, on the 13th January, found, by actual count, the sum of one hundred and thirty thousand dollars in the office, it appears that the Treasurer was indebted to the kindness and exertions of his friends, and especially to Mr. Rowe, for facilities to enable him to pass through that ordeal. On the morning of the 13th, he borrowed, for a few days, five thousand dollars of John M. Rhodes, a banker of this city, which he placed in the office of Wells, Fargo & Co., to the credit of Mr. Rowe. Upon the credit of a verbal promise of Mr. Rowe that he would furnish the draft of the Treasurer upon Wells, Fargo & Co., for twenty thousand dollars, (\$20,000,) Mr. McNeil, cashier of that house in this city, upon the same day, placed that amount to the credit of Mr. Rowe, who ordered the amount of \$25,000 to be sent to the Treasurer's office, which was done some time during the fore part of the day, (the 13th.) Mr. Rowe obtained from other sources about ten thousand dollars more, and drew the same from the bank of Wells, Fargo & Co., the same day, but it does not appear what was done with this latter sum. Mr. Rowe declines to explain what use he made of it, which leaves it but reasonable to suppose that it also found its way to the State Treasury on that day. The sum of twenty-five thousand dollars is proved to have been delivered at the Treasurer's office, and remained there about four days, when it was returned to the persons from whom it was obtained. The draft which Mr. Rowe promised Mr. McNeil, and upon which the twenty thousand

dollars was obtained, was given to him on the 15th for the sum of fifteen thousand dollars only, was sent to San Francisco, and there protested by Mr. McLane, but it served the purpose for which it was intended, and nothing has been heard of it since. The attempts of Mr. Rowe and the Treasurer to explain these facts are exceedingly lame. Their efforts to extricate themselves from the unfortunate dilemma in which the proofs place them, excite emotions of pity, so strong as to overcome any feelings of indignation which the fraudulent nature of the transaction are calculated to produce.

The Treasurer says that he borrowed the \$5,000 of Mr. Rhodes to accommodate the wants of Mr. Rowe, who states that the sum of \$35,000 was required for his private uses that day, and that Mr. McNiel misunderstood his order and sent \$25,000 to the Treasurer's office by mistake; that he was present when the money arrived, but that he did not correct the error by sending it thence to the private destination for which he had intended it, from the fact that he had then discovered that he did not need it for that purpose, and allowed it to remain with the Treasurer, as being a safe place of deposit. But how he came to make use of the Treasurer's official draft to raise \$20,000 for his private uses, he does not attempt to explain.

When it is remembered that on the 3d of January he claims to have received \$124,000 in cash, which sum, the evidence shows, could not have been sent to New York, it is remarkable that he should have been compelled to resort to such active and ingenious financial maneuvers in order to assist the Treasurer in being prepared to meet the count on the 13th. The whole transaction shows the truth of the adage that necessity is the mother of invention. It is worthy of remark, also, that the application of Mr. Rowe to Mr. McLane on the 1st of January created strong suspicions in the mind of that gentleman. He gave orders to Mr. McNiel, cashier of the Sacramento office, not to allow him to overdraw his account. And when Mr. McNiel asked Mr. McLane if he might not let Mr. Bates have money to make a count, his reply was in the negative, saying that Mr. Bates might meet his count the best way he could. At this time Mr. Rowe frequently applied to Mr. McNiel for loans, and though he does not *know* that the money was wanted for the Treasurer, and does not remember that he used the word "count" in his request, it is quite probable that Mr. McLane's memory is the best on that point—and quite improbable that the nature of the request should have been misunderstood.

The committee having been unsuccessful in obtaining information from Mr. Rowe, as to how or in what manner he disposed of this large amount of money, are compelled to form, from circumstantial evidence, their conclusions in regard to it. Mr. Rowe in substance admits that having given bond to pay the interest, the money became, in his view, his own private property, and he accordingly used it as such. The only parties with whom he appears to have had any large business transactions, are Palmer, Cook & Co., and his intervention in their behalf in the matter of the affairs of Adams & Co., as described by himself, affords reason to believe, that a good portion of the money has been sunk in speculations in connection with that bankrupt concern.

The committee regret to say that they are unable to throw any light upon the whereabouts of the large amount of funds committed to Mr. Rowe, on account of his obstinacy in refusing to answer questions deemed to be proper and necessary.

The 12th section of the funding act of 1852, the 11th section of the funding act of 1855, and the 11th section of the funding act of 1856, are identical in language, and read as follows:

"The Treasurer of State having occasion to employ or trust any person or persons in or about the business devolved upon him by the provisions of this act,

shall take for his own security and for the security of the State, such security by bond and mortgage, or otherwise, as shall be approved by the Governor, which bonds and mortgages so approved by the Governor, upon default of the obligor or mortgagor, may be prosecuted in the name of the obligee or mortgagee for his own use or for the State."

We are, therefore, of the opinion and so charge the fact to be, that the Treasurer of State is guilty of malfeasance in office in the violation of the above statutes, in the payments to Palmer, Cook & Co., and to the Pacific Express, without first having obtained the approval of the Governor to the bonds or obligations taken from those parties respectively.

We further find the fact to be, and so report, that the Treasurer of State is guilty of a felony, according to the provisions of an act entitled "an Act concerning the State and County Treasurers," approved May 7th, 1855, for having drawn his official draft for the sum of fifteen thousand dollars, upon Wells, Fargo & Co., and delivering the same to E. A. Rowe, for his individual use, and for having, at various times, permitted moneys belonging to the State to be used by the said E. A. Rowe.

The evidence of the witnesses examined is herewith submitted. Each witness was sworn in the presence of the committee, and his testimony carefully read over and signed by him.

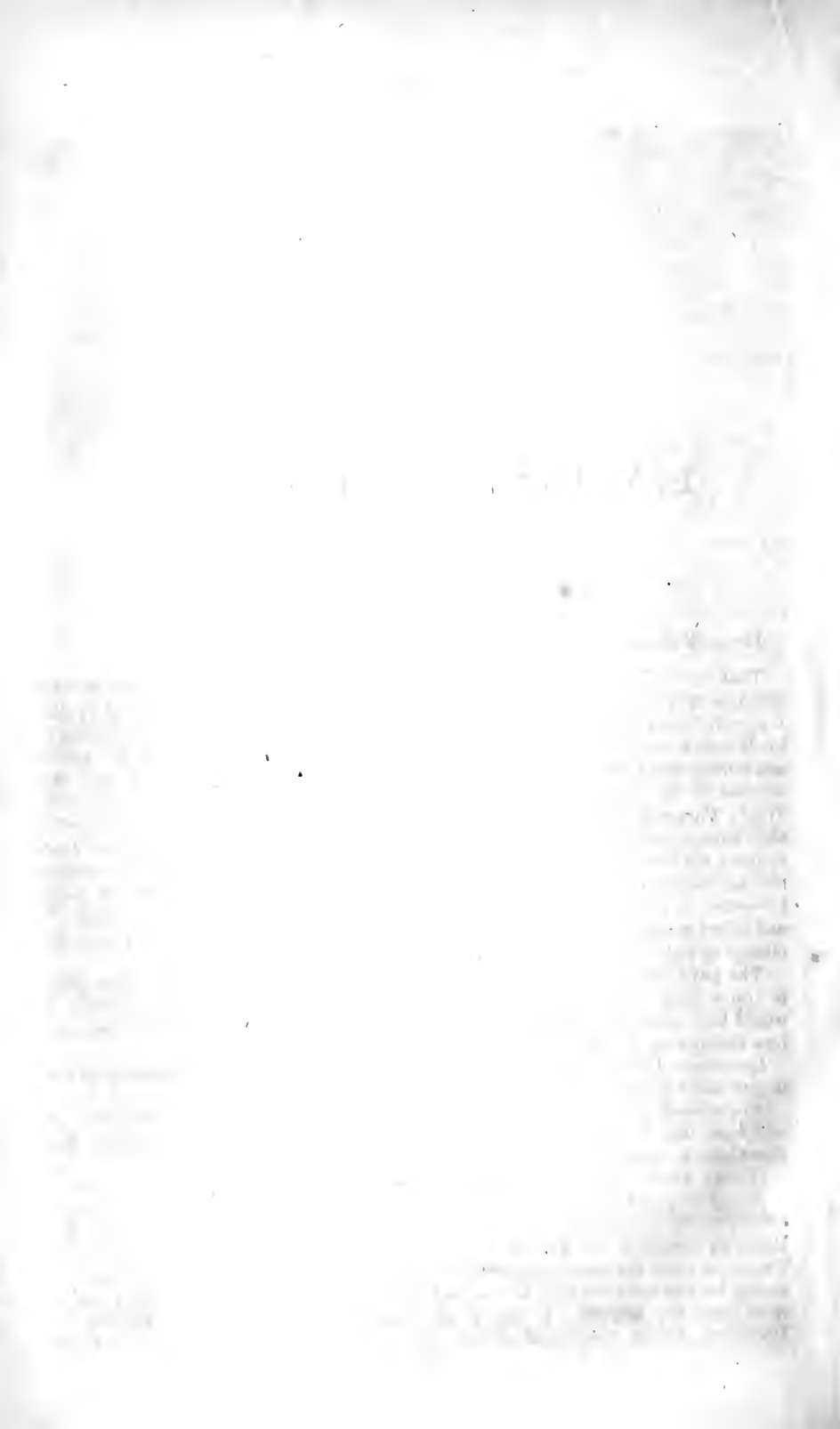
To the testimony thus taken, the committee invite careful attention, as many facts will be found therein bearing upon the subjects of investigation, to which direct reference could not be made, without making the report unnecessarily voluminous.

Subsequently to the appointment of the Committee, they were instructed by resolution to inquire into the subject of the payment of Controller's warrants into the State Treasury, instead of cash. At about the same time a joint committee of the House was appointed for the same purpose, to whom this committee have transferred such evidence as they have received upon that subject.

All of which is respectfully submitted, and the Committee ask leave to be discharged from the further consideration of the subject.

A. P. CATLIN,  
ROBT. C. CLARK,  
A. P. K. SAFFORD.





## EVIDENCE, ETC.

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LOUIS McLANE, Jr., being sworn, states :

That he resides in San Francisco, and has the control on the Pacific of the Banking and Express business of Wells, Fargo & Co. That as agent of Wells, Fargo & Co. I have a written contract with Dr. Bates, State Treasurer, whereby Wells, Fargo & Co. were constituted the fiscal agents of the State of California during the term of office of the said Bates, as State Treasurer, to pay the interest of the State indebtedness in New York. That, under that contract, Wells, Fargo & Co. paid the interest falling due in July, 1856, and forwarded the money to pay the interest falling due in January, 1857, in due time to meet said interest. That under said contract, when the Treasurer furnished me the funds to pay said interest, I was to give him a good and sufficient bond to secure its payment. I gave him such bonds in the two instances spoken of, and stood ready to give him such bond at any time upon his furnishing me the money to pay the interest falling due in July, 1857.

The payment here of the money by the 1st of May, 1857, would have been in ample time to meet the interest falling due in New York in July, 1857. I would have been willing, if requested, to have received the money ninety days before the interest fell due, and have remitted it free of exchange.

Question—Has the Treasurer, or any one on his behalf, made application to you to give bond to pay the interest in July, 1857 ?

Answer—Yes ; the Treasurer made application to me to give such bond. I told him that I could only give bond upon the actual receipt of money. Mr. Rowe was present when the Treasurer made the application.

Q—At what time and where was this application made ?

A—It was made on the 1st day of January, 1857, in San Francisco ; upon reflection, the application made to me in San Francisco was made to me by Mr. Rowe on behalf of the Treasurer. But on the 31st day of December, 1856, the Treasurer made the same proposition to Mr. McNiel, our cashier in Sacramento, saying he was ready to pay the money if I would furnish the bond, as I understood from Mr. McNiel. I accordingly went to San Francisco on the 31st of December, for the purpose of giving such bond, and the Treasurer went with me.

Q—Why, when you and the Treasurer went to San Francisco for that purpose did you not give such bond ?

A—I was prepared to give the bond, but the money was not forthcoming. Mr. Rowe said if I would give the bond he would furnish the money in thirty days—or rather, he said he could give me collateral securities, upon which the money could be realized in thirty days.

Q—Did he tell you what kind or character of securities he would give ?

A—He did not, for I declined to take anything but the money.

Q—Did Mr. Rowe say to you that he could make such an arrangement with the Pacific Express ?

A—He said that, as President of the Pacific Express, he could furnish a good bond.

Q—Did the Treasurer or Mr. Rowe give you any reason for wanting the bond in advance of the payment of the money to you ?

A—They did not ; the conversation in San Francisco was between Mr. Rowe and myself, the Treasurer was standing within 10 or 15 feet, but took no part in the conversation, and probably did not hear it.

Q—Did you ask Mr. Rowe why he wanted the bond before he paid the money ;

A—I did not ; for there could be but one conclusion to be drawn from such a proposition—that is, that they had not the money.

Q—Who, so far as you know or believe, compose the Pacific Express Co. ?

A—Mr. Rowe owns and composes the Company ; the Directors do not really own any interest in the Company.

Q—What connection, if any, exists between Wells, Fargo & Co. and the Pacific Express Co.

A—In the Banking business there is no connection whatever ; the Pacific Express Co. are not bankers, nor do they deal in exchange ; the only connection between the two companies in the Express business is an understanding and agreement as to freights. I desire to say, furthermore, that when Mr. Rowe told me in San Francisco that he would give this bond for the Pacific Express Co., I told him that under my contract I should insist that the interest be paid through the house of Wells, Fargo & Co., he said that would all be right, and that the interest should be paid through Wells, Fargo & Co.

Q—When did Mr. Rowe become the owner and take charge of the Pacific Express Co. ?

A—He must have owned it in July or August ; my arrangement with him as to freights was made in September.

Q—Has Mr. Rowe kept an account with you in San Francisco ?

A—He has not.

Q—Has the house of Wells, Fargo & Co., within your knowledge, furnished the State Treasurer with any coin for the purpose of being counted as so much in the Treasury ?

A—None has been furnished within my knowledge ; Mr. McNiell, the cashier of the house in Sacramento, asked me if he might furnish the Treasurer for that purpose in the event the Treasurer requested it, but I forbid him to furnish the Treasurer with any coin for any such purpose ; I told McNiell just to let Doctor Bates provide for his counts in the best way he could.

LOUIS McLANE, JR.

JOHN M. RHODES being sworn, states :

That he resides in the city of Sacramento, and is a banker by occupation ; that he is acquainted with Dr. Bates, the State Treasurer, and E. A. Rowe, the President of the Pacific Express Company.

Q—Did you since the first day of January, 1857, furnish the State Treasurer with any money? If so, when, and how much?

A—About ten days ago I loaned Henry Bates, who is the State Treasurer, five thousand dollars ; it was either Monday or Tuesday, the 12th or 13th January, 1857.

Q—Did Dr. Bates himself apply to you for this money, or did some one for him?

A—He applied to me himself ; I think his application was made on the previous Saturday.

Q—Did he ask for a greater sum than \$5,000?

A—He asked for five or six thousand dollars.

Q—How was it delivered to him?

A—At his request I put the money in a bag, and sent it to Wells, Fargo & Co's. Banking House, marked H. or Henry Bates.

Q—What reason did he give you for asking this loan?

A—I don't think he assigned any reason.

Q—Did he state for what length of time he would want the money?

A—He said he wanted it for a few days ; some three or four days afterwards he returned the money ; the money was returned in gold coin ; I do not think it was in the same bag.

Q—At what time of the day was it that you sent this money into Wells, Fargo & Co. for Dr. Bates?

A—It was in the forenoon.

Q—Is there any other circumstance within your knowledge material for this Committee to know?

A—I cannot think of any.

Signed,

JOHN M. RHODES.

After conversing with my clerk, I wish to correct my statement in this, that the bag was not marked as I supposed, but the money was put into a bag which was brought into my office by a young man whom I took to be Wells, Fargo & Co's messenger ; Dr. Bates came with him.

Signed,

JOHN M. RHODES.

LOUIS McLANE, JR., being recalled :

Q—You stated in your former examination that Mr. Rowe told you that, notwithstanding he should give a bond for the Pacific Express Company, that yet the interest should be paid through the house of Wells, Fargo & Co. Now has Mr. Rowe up to this day, the 24th of January, 1857, made any arrangements with you for the payment of the money?

A—He has not ; no arrangement has been made with me in relation to it.

Signed,

LOUIS McLANE, JR.

A. B. McNIEL being sworn, states:

That he resides in the city of Sacramento, and is cashier of the Banking House of Wells, Fargo & Co., in said city.

Q—What amount of money on your books stood to the credit of E. A. Rowe, from January 5th to the 15th, inclusive? and how did his account stand during that period?

A—On the 5th January, 1857, he deposited \$15,978 37, and on same day checked out \$2,676 84; on the 9th deposited \$2,000, on the 13th deposited \$28,000; between the 5th and 13th, he drew out \$8,983 83; on the 13th he drew out 35,280; on the 14th he deposited \$1,725, and the same day drew out \$3,363 60; on the 15th he deposited \$22,930 80, also, \$110; on the same day he drew \$20,000, leaving a balance in his favor on the 15th, of \$439 96; on the 17th he deposited \$5,000, and from the 17th to the 22d, inclusive, he drew out \$3,970, leaving a balance on the 22d of \$1,469 96 in his favor.

Q—Was the \$35,280 drawn on the 13th, drawn on one check, or on more?

A—It was drawn I think on four checks; one was for \$20,000, one for \$5,000, a third for \$9,000, and the fourth for \$1,280; I will furnish you with a copy of his account as found on the books.

Q—By whom were these checks presented?

A—The three large checks were presented by Mr. Rowe; I do not recollect as to the smaller one.

Q—What was done with this money when drawn on the 13th?

A—It was sent in a wagon to the Treasurer's office.

Q—Whose wagon was it, and who procured the wagon?

A—I procured the wagon; Mr. Rowe told me to send it to him at the Treasurer's office; I would have sent it by our own wagon, but it was not there at the time.

Q—Was it sent up in one parcel, or in different parcels?

A—I think \$25,000 went up at one time, but as to the balance I am not certain whether Mr. Rowe came and got it, or not.

Upon further reflection I desire to correct my statement as follows: I stated that on the 13th, Mr. Rowe deposited \$28,000. In fact he only deposited \$8,000, and promised to furnish a draft on Wells, Fargo & Co., of New York, for \$20,000, and I gave him the credit of \$28,000, that he might draw against it. The \$35,000 drawn on that day was in coin; the draft was subsequently signed by Dr. Bates, and sent by me to San Francisco to Mr. McLane, who returned it, being dissatisfied with it. The draft when drawn was only for \$15,000, and to make up the deficiency between that and the credit of \$20,000, which I gave him, he owed me \$5,000; on the 17th he paid me \$20,000, and I gave him credit for only \$5,000, the balance being in payment of the draft.

Q—Where did the \$20,000 paid you on the 17th come from, and how was it conveyed to your office?

A—Mr. Rowe brought the money there; he brought it in person; I don't know where it came from; Mr. Rochester counted the money.

Q—Who brought in the \$15,978 37, deposited on the 5th of January?

A—I don't know; Mr. Rowe I suppose deposited it.

Q—When you sent the draft drawn by Dr. Bates to McLane, did McLane admit that Wells, Fargo & Co. owed Dr. Bates that or any other amount?

A—Mr. McLane did not admit of the correctness of account claimed by Dr. Bates, and further contended that even if it was owing, Dr. Bates had no right to draw upon it,—but that it should go to his credit on the July interest of 1857; but said if he would make out a correct statement, that he would pay whatever was actually due, rather than have any contention about it. When I received McLane's letter, I required the money I had advanced upon the draft to be repaid to me which was due on the 17th. The account claimed by Dr. Bates, and upon which that draft was drawn, has never been settled, but stands open now.

Q—Did Dr. Bates on or about the 31st of December, 1856, have any conversation with you about Wells, Fargo & Co. giving a bond to pay the interest due in July, 1857, in New York?

A—On the day named, Dr. Bates came to me and asked me if Wells, Fargo & Co. would give a bond to pay the interest in July, 1857, giving me to understand that if they would, he would pay over the money. I told him I supposed they would, but that McLane was in town, and I would ask him. I saw Mr. McLane, and told him what Dr. Bates had said, and he agreed to give the bond if Bates would pay him the money. I told Dr. Bates that I had seen McLane, and that he was willing to give the necessary bond, and as they were going down on the same boat, they could arrange it. I knew nothing farther about it, until a few days afterwards. Mr. McLane wrote to me that they wanted him to give the bond without receiving the money, upon their giving him collateral security. He wrote that he would not, in any event, give the bond unless he received the money, much less upon collaterals, as was proposed. What those collaterals were, I do not know.

Q—Did Mr. Rowe, about the 13th of January, 1857, apply to you to lend him money?

A—Both before and after the 13th of January, 1857, M. Rowe several times asked me if we would loan him some money. I told him we could not do so, under my instructions from Mr. McLane. He did not name any amount that he wanted.

A. B. McNIEL.

WM. B. ROCHESTER, being sworn, states :

That he resides in Sacramento City, and is agent in said city for Wells, Fargo & Co.

Q—Did you, between the 1st and 15th of January, 1857, borrow of B. F. Hastings \$15,000, of which \$10,000 or any portion was in California tens?

A—I did not borrow of Mr. Hastings any money of the kind or amount alluded to; I applied to Mr. Hastings for \$15,000 in small coin, \$10,000 in tens, and \$5,000 in fives; he let me have the money, and I returned it to him in larger coin as soon as I could count it and put it up, on the same day; a portion of the money thus obtained from him was in California tens, not quite \$10,000 however.

Q—What became of these California tens, and at what rate did you take them from Hastings?

A—I took them from Hastings at \$9 85 each; they were put into our tray and paid out; a portion of them were paid at par to E. A. Rowe, on his check, but how many I do not recollect; he had previously deposited some California coin with us at par, upon which we lost, and I think we got even on this transaction.

Q—On what day was this coin paid on Mr. Rowe's check?

A—It was paid, I presume, on the 13th day of January, 1857, when Mr. Rowe drew out the \$35,000 from our house.

Q—Were any of these sums paid out here to any other person than Mr. Rowe?

A—I think not; some of them were sent below.

Q—How much of the \$35,000 paid on the 13th January, 1857, on Mr. Rowe's check, was paid in California tens?

A—I think there must have been some six thousand or seven thousand dollars of it in California tens.

WM. B. ROCHESTER.

A. G. RICHARDSON being sworn, states :

That he resides in Sacramento city, and is the Agent of the Pacific Express Company.

Q—Who composes the Pacific Express Company?

A—I am unable to say.

Q—How long have you been in their employ as Agent?

A—Since May or June last; and since that time have had charge of the office in Sacramento.

Q—Do the Pacific Express Company keep a set of books which would show all the transactions of this office?

A—The books of the entire Express are kept at San Francisco; Henry Norton as cashier has charge of the books; Mr. Rowe is President of the Pacific Express Company.

Q—Do you know whether or not the State Treasurer has at any time paid to the Pacific Express Company \$124,000, or any other sum, for the purpose of being transported to New York?

A—I have no knowledge of any such payment.

Q—Would you not, from your position as Agent, have known it, if any such payment had been made?

A—Not necessarily; I do not give my attention to the details of office business.

Q—What clerk in the office would have known if any such payment had been made?

A—Mr. Palmer, who is now in the United States Marshal's office in San Francisco, most probably.

Q—Do you keep deposit accounts with any person at this office?

A—We do not.

Q—Are you one of the bondsmen on the bond given by the Pacific Express to the State Treasurer?

A—I am.

Q—At whose instance did you go on the bond?

A—At Mr. Rowe's.

Q—At whose instance did Jas. Haworth go on the bond?

A—At mine and Mr. Rowe's.

Q—Did you tell Mr. Haworth that the money had been paid to the Pacific Express Company?

A—I did not.

Q—What conversation took place between you and Mr. Rowe about this interest money at the time you signed this bond, or at any time previous thereto?

A—Some months ago while I supposed I would be interested in the Pacific Express Company, I asked Mr. Rowe if the Pacific Express Company could not get the job of transporting this money, instead of Wells, Fargo & Co. He told me he thought it could be arranged. We had occasional conversations about it prior to October, when I gave up, for the time, the hope of being connected with the Company. I do not know whether I signed the bond on the 3d of January, 1857, or not. It was not before the 1st and not later than the 5th. Mr. Rowe did not tell me whether the money had been paid to the company or not. I can ascertain whether the way-bills from this office show whether the money passed through the office or not. If the money passed through this office in the regular business of the office, the way-bills ought to show it.

Q—Do you know who has owned the controlling interest in the Pacific Express Company since November last?

A—I do not know positively.

Q—Who exercised the controlling interest ?

A—Mr. Norton. The Superintendent, in a matter of this kind, has absolute control. In all my business operations I have consulted Mr. Rowe, Mr. McLane and Mr. Norton.

Q—Does Mr. Norton hold his appointment at the pleasure of the President of the Company ?

A—I think not—I think he had the power delegated to him for a few months from the President.

Q—Who are the Directors or Trustees of the Company ?

A—I do not know ; the only parties whom I have known to meet for business, which was when Mr. Norton was appointed, were Mr. McNeil, Mr. Brigham and Mr. Rowe.

Q—Were you present when Mr. Rowe was elected President ?

A—My impression is I was, but I do not recollect who were present at the time.

Q—Do you know whether Joseph C. Palmer has had any connection with the Pacific Express Company ?

A—Not since I have had anything to do with it.

Q—Do you know of Mr. Rowe obtaining any money from the State Treasury on or about the 13th instant ?

A—I do not.

Q—Do you know of his obtaining money about that time from any other person ?

A—I do not ; on or about the 13th of January, I deposited for him with Wells, Fargo & Co., \$3,000—money which sometime previously had been borrowed of him.

Q—Is there any other connection between Wells, Fargo & Co., and the Pacific Express Company, except an arrangement as to freights, etc ?

A—There is no connection between them in the Banking business, as far as I know.

[Signed]

A. G. RICHARDSON.

EDWIN A. ROWE, being sworn, states :

That he resides in the city of Sacramento.

Q—What is your occupation ?

A—I am President of the Pacific Express Co., and have been since the 1st December, 1856 ; I became connected with the Pacific Express Company on or about the 1st June, 1856 ; from the 1st January, 1856, until the 1st December, 1856, I was a clerk in the State Treasurer's office ; I acted as cashier of said office.

Q—Have you, as President of the Pacific Express Company, assumed to pay the interest falling due in July next, in the city of New York, on the bonds of the State of California ?

A—I have.

Q—Have you received from the Treasurer of the State \$124,000, to pay said interest ?

A—Yes, I have received that sum for that purpose.

Q—At what time, and in what manner, was the payment of that sum made to you ?

A—It was paid to me all at one time, on the 3d of January, 1857.

Q—Was it paid in this city ?

A—It was.

Q—State at what place the money was delivered to you ?

A—At the Treasurer's office in this city.

Q—Was the money paid to you in coin ?



A—It was all paid to me in coin.

Q—Did you remove it from the office on that day ; and if you removed it from the office, to what place did you carry it ?

A.—I removed it from the office on that day, but to what place I carried it I decline to inform you, because I do not wish to expose my business ; I farther state, that having given bond for it, I thought I had a right to do with it as I pleased.

Q—Did you deposit it with Wells, Fargo & Co. ?

A—I did not.

Q—Did you deposit it with any other Banking house in the city ?

A—I decline answering this question for the same reasons.

Q—Have you kept an open deposit account with Wells, Fargo & Co. for two months past ?

A—I have.

Q—Have you had a deposit account there since the 5th inst., amounting to \$70,000 ?

A—I have.

Q—Have you had a deposit account with Wells, Fargo & Co, between September 1st, 1856, to December 31st of same year, amounting to about \$180,000 ?

A—I have such an account to about that amount, commencing some time in the summer, August 29th, 1856.

Q—Have you, up to this time, forwarded to New York the \$124,000 paid to you by the Treasurer ?

A—I decline answering this question, for the reasons before given.

Q—If you had sent that money, would the admission of the fact operate injuriously to your business ?

A—It might with some parties.

Q—Have you loaned any of that money to any person ?

A—I decline answering upon the same grounds.

Q—Did the State Treasurer apply to you, or you to him, to pay this interest ?

A—I solicited it ; I spoke to him about it in November or December last. From about the 20th of December until the arrangement was completed, I had frequent conversations with the Treasurer about it.

Q—Who was present in the Treasurer's office when this money was paid you ?

A—I don't recollect any one being there except Dr. Bates.

Q—Was it during business hours ?

A—It was in the afternoon, but as business hours close at 2 o'clock, I cannot say whether it was in business hours or not.

Q—Was it before or after dark ?

A—It was in the day time.

Q—Who assisted you in removing this money from the office ?

A—I decline answering for the same reasons.

Q—Did you remove it before or after banking hours ?

A—I cannot say whether it was before or after.

Q—Was it carried away in a wagon or otherwise ?

A—I decline to answer.

Q—Did you owe Dr. Bates, the State Treasurer, either as an individual or as Treasurer, any amount of money on the 3d of January inst ?

A—No amount that I know of at all.

Q—Have you owed him anything between that time and the present

A—Yes, I have owed him since that time.

Q—At what dates and in what amount ?

A—On the 13th inst. he loaned me \$5,000, that I needed.

Q—Do you know where he got that money?

A—I think he borrowed it from John M. Rhodes.

Q—Have you repaid him the \$5,000, and when?

A—I repaid it some three or four days afterwards; this loan was made by him to me as an individual, and not as Treasurer.

Q—Did you, on the 13th inst., send or cause to be sent to the State Treasurer's office from twenty to thirty-five thousand dollars, or any other amount of money whatever?

A—No, sir, I ordered \$25,000 to be sent to my office—meaning the Pacific Express Office—Mr. McNiell, through design or mistake, sent it to the office of the State Treasurer.

Q—When did you first discover the error?

A—I happened to be in the Treasurer's office at the time the money came up there.

Q—When did you remove it from the Treasurer's office?

A—I did not remove it for several days: I calculated to want to use the money on that day, but not needing it that day I left it there as a safe place. That no improper inferences may be drawn from this fact, I will further state that this money was not counted by the Committee of the Legislature, who counted the money in the Treasurer's office on the following day. It lay there in bags, and was not opened by any one until after that count was closed; I was there all the time the Committee were making the count, and I know that it was not counted.

Q—Where did you remove it to when it was finally removed?

A—I deposited with Wells, Fargo & Co.

Q—Did you tell Mr. McNiell about the mistake he had made?

A—Yes; I told him he had sent the money to the Treasurer's office instead of my office.

Q—Are we to believe from your answers to a previous question that you look upon this money, (the \$124,000,) since the execution of your bond, as your private property, until such time as it is necessary to be used in New York?

A—I do; until it is necessary to pay the coupons in New York.

Q—Do you design sending to New York the sum of \$124,000, previous to the 1st May next?

A—I design to pay this money in New York on the first of May next, further it has been sent on, at what time it was or shall be sent, I decline to answer.

Q—Did Dr. Bates owe you any money between the 1st day of July, 1856, and the present time?

A—No sir.

Q—Did you about the last of December, 1856, or the 1st of January, 1857, apply to Louis McLane, Jr., to give a bond to the Treasurer to pay this July interest?

A—I did; Dr. Bates was near by, but within hearing distance.

Q—Did you propose to him to give the bond then, and you pay the money within thirty days? State what your conversation was?

A—I asked him if he would give a bond without receiving the money; he said he would not.

Q—Did you ask him to give the bond if you would give him collaterals upon which he could raise the money in thirty days.

A—I did not; I have no recollection of making any such proposition; after he declined giving the bonds without the money I told him I would give the bond for the Pacific Express Co., but told him that his house might have the credit of paying the money in New York; that is, might pay the coupons in New York; this was in San Francisco, on the first day of January instant; my object in

this was to get the profit of the business, and I was willing to let him have the glory.

Q—What was the profit ?

A—I do not know yet.

Q—What was your object in taking a deed from M. G. Reed for certain real estate in San Francisco some time in December last ?

A—The object of it was to bring about a settlement of Palmer, Cook & Co., and others' claims against Henry M. Naglee, Receiver of Adams & Co., so as to enable them to discharge the mortgage which Naglee held on the property, and thus enable Palmer, Cook & Co., by a sale of the property, to raise the means of paying the State the money deposited with them to pay the interest in July, 1856 ; my position was that of mediator between Palmer, Cook & Co., and Henry M. Naglee and others.

Q—It appears from the transcript of your account with Wells, Fargo & Co., now before us, that on the 13th day of January instant you drew from them \$35,280, of which sum you say \$25,000 was sent to the Treasurer's office by mistake ; what did you do with the other \$10,280 on that day ?

A—I decline to answer.

Q—With a credit of over \$35,000 with Wells, Fargo & Co., on that day, and only expecting to need \$25,000, which you ordered sent to your office, why did you borrow the further sum of \$5,000, from Dr. Bates ?

A—I decline to answer any question touching my private business.

Q—Whether or not, \$20,000 of the \$35,280, drawn by you on the 13th, was furnished to your credit by Dr. Bates ?

A—Dr. Bates claimed a drawback on Wells, Fargo & Co., for amount paid them over and above the amount of interest due ; he wanted me to settle it for him ; he accordingly drew his draft on Wells, Fargo & Co., which was delivered to the cashier of Wells, Fargo & Co., here, who placed it to my credit ; this draft was not recognized by the agent at San Francisco, but was returned here, and charged back to me on the 15th ; I returned the money for this draft to Wells, Fargo & Co.

Q—On the 17th of January instant, you deposited with Wells, Fargo & Co., \$20,000 ; what money was that ?

A—As I have stated, \$25,000 was sent to the Treasurer's office by mistake ; out of that money, I paid back Dr. Bates the \$5,000, and the remaining \$20,000, I deposited with Wells, Fargo & Co., which is the same that is credited to me on the 17th.

Q—Were you here, or in San Francisco, on the 30th of December ?

A—I don't recollect, I was in San Francisco on the 31st inst ; but whether I went down on the night before or not, I do not recollect.

Q—It appears from your account with Wells, Fargo & Co., that during the month of December last you made three deposits, amounting in the aggregate, to \$36,630 50. Where did that money come from ?

A—From various sources ; I do not remember any of them.

Q—It appears from the same account, that during the same period you drew out \$27,171 74. Where did that money go to ?

A—I decline answering, because I can't recollect.

Q—Don't you recollect what you did with the \$15,000 drawn out on the 30th of December ?

A—I decline answering the question.

Q—On the 4th of November, 1856, you deposited with them \$117,862, and on the same day, checked out \$120,000. What was the money for ?

A—To pay the interest due in January, 1857. The house here gave me a

check on San Francisco, and that check was exchanged for the bond given by Wells, Fargo & Co., on the 5th of November, to pay that interest.

Q—Who compose the Pacific Express Company?

A—The title of most of stock rests in me. There are other parties who have purchased an interest in the company, but the stock has not been transferred to them. Their names I do not feel at liberty to disclose.

Q—Who are the Directors of the company?

A—I am the sole director.

Q—From whom did you purchase your interest?

A—Of different stockholders scattered all over the country.

Q—Name such as you recollect?

A—Mr. Charles and Mr. Lambert. I don't recollect whether I purchased of Mr. Bowman or not,—most of it I think from Mr. Lambert. Mr. Norton is Superintendent, and was appointed by me. I did not purchase any of the stock of Joseph C. Palmer,—neither has he any *interest* in the company at the present time.

Q—Did you ever tell Gov. Johnson that this \$124,000 had been sent to New York by the steamer of the 5th January?

A—I had a conversation with the Governor, from which he might possibly have drawn that conclusion, but I did not intend to make that impression upon him—I did not tell him I had sent it, or that I had not.

Q—Did you know anything about the application for an injunction restraining you from sending on this money?

A—I know nothing more than that such an injunction was served upon one of the clerks below, who sent it to me.

Q—Did the service of that injunction prevent the money from being sent on the 20th inst.?

A—It might have prevented had I intended to have made the shipment that day.

Q—Did you ever ask any person, who had been examined by this committee, whether he had told the committee what you had done with the money?

A—I don't recollect of asking any person that question.

Q—Did you never ask Louis McLane, Jr., that question?

A—I don't think I did—I had some conversation with him about it, but I am not positive whether I did or not. The conversation was a short, hasty one, just before he went to San Francisco, on Saturday last.

E. A. ROWE.

Being recalled.

Q—Do any of those persons who signed the bond given by you for the payment of this money, know where this money is, or any part thereof?

A—I decline answering for reasons heretofore given.

E. A. ROWE.

HENRY NORTON being sworn, states :

That he resides in San Francisco, and is Superintendent and Cashier of the Pacific Express.

Q—Who composes the Pacific Express Co., and who are its directors, trustees or managers?

A—E. A. Rowe is President ; I do not know whether there are any directors at this time or not ; I do not know any other person as a stockholder in

the Company except Mr. Rowe ; I have heard that Mr. Brigham was a stockholder, but do not know the fact ; I keep the books of the Company, but they do not show who are interested.

Q—Has the Pacific Express Co., since the first of January, 1857, remitted to New York the \$124,000 said to have been paid to them by the Treasurer of State ?

A—Not that I know of.

Q—Could that money have been sent through the Pacific Express without your knowledge ?

A—It could not have gone into our office without my knowledge ; the Pacific Company do not send an Express to the Atlantic States ; we connect at San Francisco with the Atlantic and Pacific Express ; it might possibly have been sent through that office without my knowledge ; Mr. E. W. Tracy has charge of that office, and if it passed through there he must have known it.

Q—Have you any knowledge of where that money is, or are there any circumstances within your knowledge that would lead you to believe that you know where it is ? If so, please state them.

A—I do not know where it is, nor do I know anything about it, except that I have heard Mr. Rowe say that he had it.

Q—Has the money ever been in your office ?

A—Not within my knowledge.

Q—Have you known of Mr. Rowe sending this or any other large amount of money to San Francisco since the first of January ?

A—I have not.

Q—How long have you been Agent and Superintendent of the Pacific Express ?

A—I have been Cashier since September, but did not receive my appointment as Superintendent till December.

Q—It appears from the account of Mr. Rowe, with Wells, Fargo & Co., that Mr. Rowe deposited with them on the 4th of December, \$10,000 ; on the 22d of December, \$14,381 74, and on the 24th December, \$12,248 76 ; did these sums, or either, or any of them, come from San Francisco, or pass through your office ?

A—Not that I know of ; I would have known it most probably.

Q—Are not the accounts of all the offices kept at San Francisco ? and are not all the way bills sent and kept there ?

A—They are. At the end of each month, all way bills are sent there, each office keeping a copy of those issued from, or received at.

Q—It appears from the same account, that Mr. Rowe on the 27th of December, drew out \$9,000, and on the 30th, \$15,000 ; were these sums, or either of them sent to San Francisco ?

A—They were not, so far as I know ; there might have been some money sent on those days, but no such sums as those mentioned, were received at my office, by me or with my knowledge.

Q—Do you know the parties whose names appear as securities on the bond given by the Pacific Express to the State Treasurer ? Are you acquainted with their pecuniary condition ?

A—I know all of them except Archibald Woods, Jas. C. Stebbins and S. Heydenfeldt, but I do not know their pecuniary condition.

Q—Have the Pacific Express Company any office in the city of New York, or do they do any business in New York ?

A—If they have any office in New York, I do not know it ; the business of the Pacific Express in the Eastern States is attended to, and transacted by the Atlantic and Pacific Express Company.

H. NORTON.

JAMES HAWORTH, being sworn, states that he resides in Sacramento, and is the President of the California Stage Company.

Q—Did you sign, as security, the bond given to the State Treasurer by the Pacific Express, dated the 3d January, 1857?

A—I signed a bond as security for the Pacific Express to the State Treasurer.

Q—At whose request did you sign said bond?

A—I was spoken to by A. G. Richardson and E. A. Rowe, upon the subject.

Q—What did Mr. Rowe and Mr. Richardson, or either of them, tell you in relation to the money which this bond was intended to secure?

A—They told me they wanted me to sign the bond, to enable them to get this money to carry through to New York to pay the interest falling due in July next. They said they would like to pay the interest in New York, as it would give character to their Express. Having known Mr. Richardson a long time, and feeling an interest in the Express, I signed the bond.

Q—Did they or either of them give you any security of any kind whatever, to secure you against loss?

A—No sir.

Q—Did they promise you any?

A—They did not.

Q—Do you know where this this money, or any portion of it has been kept since the 3d of January, instant?

A—I do not.

Q—Since this subject has been agitated, have you not as security felt sufficiently interested in the matter to enquire of Mr. Rowe what he had done with the money?

A—I have.

Q—What did he tell you had been done with it?

A—He did not tell me what had been done with it, but assured me everything would be to my satisfaction when this committee has finished their investigation.

Q—Did you rest satisfied with this assurance, or did you ask any further particulars?

A—I was to have another interview with him at the expiration of ten days.

Q—What reason did he give for withholding information until the committee had closed this investigation?

A—He said the committee had not yet thoroughly investigated the matter?

Q—Is that the only reason he gave you for not giving you full information at that time?

A—I believe it is.

Q—Do you know who compose the Pacific Express Company?

A—I do not. I do not positively know of any one owning stock in the company except Mr. Rowe.

Q—Not knowing who composed the company, did you deem them sufficiently safe to justify you in signing this bond, to enable them to get this money six months before it would be needed in New York?

A—If it was in accordance with law to have sent this money on six months in advance, I had confidence enough in them to have signed this bond. If I had known or thought it was not in accordance with law to have sent this money on so soon, I should not have signed the bond,—not from any want of confidence in the company, but because I would not aid or countenance any thing illegal.

Q—Would you have signed the bond if you had known the money was to have been used here for some months before being forwarded?

A—I would not.

JAS. HAWORTH.

E. W. TRACY being sworn, states:

That he resides in San Francisco, and is the agent of the Atlantic and Pacific Express.

Q—Do you know who composed the Pacific Express Company?

A—I do not know certainly.

Q—Do the Pacific and Atlantic Express attend to the business of the Pacific Express, in the Eastern States?

A—They do; the two Companies connect at San Francisco.

Q—Has the Pacific Express, or E. A. Rowe, since the first of January, 1857, forwarded \$124,000, or any other large sum of money to New York?

A—Not within my knowledge.

Q—If such sum had been forwarded through the Atlantic and Pacific Express, would you not necessarily have known the fact?

A—It might possibly have been done without my knowledge, but it is not probable; it is a bare possibility; I feel satisfied it was not sent in coin through the Express, and yet could not swear positively that it was not done; it might have been sent in exchange, and I not know it, but not very well in coin, dust, or bars.

E. W. TRACY.

DR. HENRY BATES, being first sworn, states:

That he resides in Sacramento city, and is Treasurer of the State of California.

Q—What portion of the time since the adjournment of the last session of the Legislature and the first of July, 1856, were you absent from this city?

A—I was in Shasta one week immediately after the adjournment; at Napa Springs three weeks, and in San Francisco nearly every week after hearing of the non-payment of the interest in July, 1856—Say from the first of August, I was there probably a third of the time after that news came. The balance of the time, here.

Q—State the names of the clerks employed in the Treasury?

A—Mr. Bunker, Mr. Rhodes, and Mr. Rowe. Mr. Rowe was there till about the middle of November.

Q—After Mr. Rowe left, did he have any of his private funds in your office?

A—About a week ago, I was told that he had funds there. He told me himself. He said some money had been sent up there by mistake. If he had any other funds there, I do not know it. He did not state how much had been sent there.

Q—Did you learn that this money of Mr. Rowe's was in your office while it was there or after it had been removed?

A—I saw some money there lying about in a carpet sack, and enquired whose it was and what it was for, and Mr. Rowe said it was his. He told me it was sent there by mistake.

Q—What day was this?

A—It was the same day the first committee counted the money in the Treasury.

Q—How much do you suppose was in that carpet sack?

A—I have no idea. I did not handle it at all. Nor do I know that it was handled. The carpet sack was not opened while it was there, to my knowledge.

Q—Do you know how long it remained there, and how it was taken away?

A—I think it was sent away the same day, or the day after. I do not know how it was sent.

Q—Did you, on or about the time of that count, lend Mr. Rowe any money ?

A—About the time of that count, I forget the day, I loaned Mr. Rowe \$5,000 ; this money he returned to me a day or two afterward.

Q—When did he pay you this money ?

A—When he borrowed the money he requested to have it sent to Wells, Fargo & Co., to his credit, which was done, and that was a part of the money which was sent to my office by mistake ; when he found it was there, he told me he did not need it, and paid it to me out of the money in the carpet-sack ; he told me I might take it out, but I do not recollect whether I or Mr. Bunker took it out ; it was taken out of the sack and paid to Mr. Rhodes' clerk or some boy who came there with my note ; I had borrowed this money of John M. Rhodes for Mr. Rowe, and had given my note for it.

Q—When he applied to you for this money did you inquire of him, or did he inform you, what he wanted with it ?

A—No, sir.

Q—Did you take his note for it ?

A—I did not.

Q—Did you, at or about the same time, lend Mr. Rowe your draft, as Treasurer, on the house of Wells, Fargo & Co ?

A—I did not.

Q—Did you draw a draft about that time for \$15,000 or \$20,000, on the house of Wells, Fargo & Co.?

A—I drew a draft on the house, which was protested ; I do not recollect the amount ; I was told the interest money was overpaid ; I knew nothing about it, but told Mr. Rowe to settle the matter ; he had been cashier, and knew more about it than I did ; I do not know whether it was the January or July interest, nor how we came to overpay it, in fact ; it was left to my clerks, and I supposed it was all right ; I think I delivered this draft to Mr. Mc Niel ; this was done at Mr. Rowe's instance ; he told me that the interest was overpaid, and I told him to have it settled.

Q—Do you know whether Mr. Mc Niel cashed this draft?

A—I do not.

Q—Has this draft ever been returned to you?

A—It has not

Q—Did Mr. Rowe ever inform you that he had drawn the money on this draft?

A—He never did ; I asked him if he had settled it, and he said it was in progress of settlement.

Q—Have you paid to Mr. Rowe the money to pay the next July interest in New York ? If you have, state how much you paid him, and when, and how paid.

A—I have paid him the money for that purpose ; I paid him \$124,000 on the 3d of January, 1857 ; it was paid at the Treasurer's office in this city, in coin, all in one payment.

Q—Who was present when this payment was made?

A—I think Mr. Bunker, or Mr. Rhodes, were present ; I am not positive, however.

Q—Are you certain that either of them were present?

A—I think one of them was there, but am not certain which one.

Q—What time of the day was it?

A—It was sometime in the afternoon.

Q—How did Mr. Rowe take the money away from the office?

A—I do not know ; I suppose he took it away in an express wagon.

Q—Did any one assist him in carrying it away?

A—I do not know ; as soon as the money was counted and put in bags, I went to dinner, and left him there with some other gentlemen ; by some other gentlemen,



I mean either Mr. Rhodes or Mr. Bunker; there was no other person with him that I recollect; I did not see any express wagon there when I went to dinner; I did not return to the office that afternoon.

Q—Did he deliver you the bond executed in full on that day?

A—He did.

Q—Had you seen the bond before?

A—I had not; he told me what he would get on the bond if I accepted his propositions.

Q—Did he tell you he would send it on, by the steamer of the 5th, or at any other given time?

A—He did not; there was no understanding between us as to the time when the money should be sent.

Q—When he proposed to you to take this money for you, did he not fix any time when he would probably start it?

A—He did not; nothing was even said between us about the time of starting the money.

Q—Did you superintend the counting?

A—I did.

Q—How much coin remained in the office after this was paid?

A—I do not know; there was the balance of \$203, or \$212,000, after deducting this from it.

Q—Since that time have you ever inquired of Mr. Rowe what he had done with this money?

A—I have, and he said he had made provisions to pay it in New York. I also asked him if he had shipped the money. He said that was his business if I was satisfied with the bonds he had given. I told him I was satisfied with the bond, I have asked him probably twenty times if he was sure it would be paid, and he said he was. I did not ask him what kind of arrangements he had made for its payment.

Q—Do you know where that money is, or any part of it?

A—I do not.

Q—State the reason why you entered into this arrangement with Mr. Rowe at so early a day?

A—When the non-payment of the July interest occurred there was a great talk about it—then the decision of the Supreme Court, that the debt was unconstitutional, I hardly knew how to act until I got advice. I advised with the Controller, and several gentlemen in San Francisco, with Dr. McMeans, and I think with Judge Heydenfeldt, as to the propriety of paying the money early—one of my strongest reasons was, the precedent established two years ago, when all the money in the General Fund was consumed by the bill paying the members of the Legislature. I presumed such might have been the case this winter, and wanted to guard against it. My great wish was to protect the honor of the State, and as there was no law fixing the time when this money should be sent, I considered I had a right to send it, and I did so.

Q—Did this \$1,000 bill take any money out of the General Fund?

A—I think it did. When I came into office there was nothing in the Sinking Fund, and I was told it had been used in payment of interest.

Q—What proportion of the revenue of the fiscal year remains unpaid?

A—I cannot tell accurately without looking at my books. All the smaller Southern counties have settled, the larger counties have not. The smaller counties settle semi-annually, nine of the larger counties quarterly. There has been no settlement with San Francisco since about October last. The receipts this year will run less, I think, than it did last year. I should think that there should be yet paid in during the January settlement, \$150,000, but this is conjecture.

Q—You have stated that one of your reasons for sending this money so soon

was the recollection of the \$1,000 bill ; did you not recollect that the law requires all warrants, after the first of January, to be paid in cash ?

A—I was aware that such was the law ; the law also says I shall take from the general fund, if there is not enough in the interest fund to pay the interest.

Q—If you had waited until the first of May, would not the interest fund have been sufficient to have paid this interest ?

A—No, sir ; it would not

Q—Why did you transfer the agency for the payment of the interest in New York from Wells, Fargo & Co., to the Pacific Express Co.?

A—Mr Rowe asked me if I was willing to let him have the paying of this interest ; I told him I had no objections, if Wells, Fargo & Co. were satisfied, so long as I had proper bonds for my protection I did not care who paid it.

Q—Did you receive any assurance from Wells, Fargo & Co. yourself that they would be satisfied with this arrangement ?

A—Mr Rowe told me he had talked with Mr. McLane and he was satisfied ; I never talked with Mr. McLane upon the subject, to the best of my recollection.

Q—Did you or not apply to Mr. McNiel in this city on the 31st of December last, to know if Wells, Fargo & Co. would give bond for the payment of the July interest ?

A—I think not ; I have no recollection of it ; I should not have been apt to have gone to him about a bond.

Q—Did you or not, on the 31st of December last, go to San Francisco on the same boat with Mr. McLane?

A—He was on the same boat, but I did not see him till I went to the supper table ; I came back the next day, and Mr. Rowe came with me.

Q—Had Mr. Rowe procured any of his bondsmen at that time ?

A—I think he had procured all of the bondsmen then, except Archy Woods.

Q—When did he get Archy Woods' name on the bond?

A—I don't know on what day ; it was on the bond when he gave it to me on the 3d.

Q—State what you know of the bondsmen on the bond given by the Pacific Express?

A—Arch'd Woods is the father-in-law of James M. Estell, and I have been told is worth \$160,000; A. G. Richardson is agent of the Pacific Express office in this city, and is said to be worth about \$12,000; James Haworth, is President of the California Stage Company; Solomon Heydenfeldt, late Judge of the Supreme Court; James C. Stebbins, former Senator from Yuba; C. C. Bowman, of San Francisco, interested in ditch stock; D. Brigham, formerly of the Pacific Express.

Q—Have you any personal knowledge of the condition of those gentlemen?

A—I have no personal knowledge, but have been told by many persons that it was a first rate bond.

Q—Whether prior to the 1st January last, you let Mr. Rowe have any money to any amount?

A—No sir.

Q—Whether since the first of January last, you applied to Major Graham, or any other person, to borrow money with the one exception you have heretofore named ?

A—I have not.

Q—Whether you have heard from Mr. Rowe, that he applied to Mr. McLane to give a bond to pay the July interest ?

A—I do not know whether Mr. Rowe applied to him to give such bond or not. He never told me that he had.

Q—Were you a party to, or were you cognizant of the arrangement by which M. G. Reid, in December last, conveyed to Mr. Rowe certain real estate in San Francisco?

A—I was not. I never heard of it until I saw a mention of it in the papers.

Q—Did you, in an examination before the Senate Committee, tell said committee that you presumed the \$124,000 had gone by the steamer of the 5th of January, but that you had no personal knowledge of the fact?

A—I did. I told them that I would not swear that it did.

Q—What were your reasons for presuming that it had been sent at that time?

A—I had no particular reason for supposing so; I thought it would be as convenient to send it at that time as at any other. Mr. Rowe never gave me any reason to believe that it had been sent by that steamer.

Q—State the reasons why you did not sooner take legal steps to collect the money paid to Palmer, Cook & Co. to pay the interest falling due in July, 1856?

A—They were, by the term of their bond, entitled to four months before I could commence suit. When that time expired, I applied to them for the money, and told them I would sue on the bond. Palmer told me that he had satisfied his bondsmen and that they would confess judgment, but urged me to wait until the arrival of the next steamer, as he expected to receive funds by her. I asked the advice of the Attorney General, and he advised me to wait as they promised so fair. It went on in this way until about the middle of December, when I asked the advice of the Governor. He told me to wait a few days, and he would take the bond and have suit brought on it. He called on me for the bond about the 30th or 31st of December. He took the bond, and employed Edwards & English to bring the suit.

Q—How often did the Board of Examiners examine and count the money in your office since the adjournment of the last Legislature?

A—The Governor called by himself once, and a week or two afterward the Secretary of State and Attorney General called; these were the only times any of them have been there; the Governor called on the 16th of May last; the others about two weeks afterward.

Q—Do you know the reason why they did not count the money in your office oftener?

A—I do not; I told them they were welcome to come at any time, and I would afford them every facility in my power.

HENRY BATES.

DR. HENRY BATES, recalled:

Q—By the provisions of the different funding acts you are required to take from such agents as you may employ, bond and security, which bond shall be submitted to the Governor for his approval; did you ever submit to the Governor, for his approval, the bonds taken by you from Palmer, Cook & Co., Wells, Fargo & Co., and the Pacific Express, or either of them? If you did not, please state the reasons why you did not.

A—I did not, for the reason that I did not know of the existence of the law until the Governor spoke to me about it.

HENRY BATES.

FREDERICK R. BUNKER being sworn, states that he resides in Sacramento, and is a clerk in the Treasurer's office, and has been in said office for about 18 months—I am general clerk, neither book-keeper or cashier.

Q—State what you know in regard to the payment by the State Treasurer to Mr. Rowe of \$124,000 in January instant?

A—That transaction occurred during my absence, I did not know anything about it at the time, I was out of town from the 27th of December last to the 4th of January inst. I learned that such a payment was to be made to Mr. Rowe be

fore it was made. I learned it in San Francisco about the 31st of December last, from Col. Rowe.

Q—Were you the clerk who made the entries in the books in relation to that payment?

A—I was not; I arranged the account however; I never made any entries on the book, but once, since Dr. Bates assumed the office.

Q—Was Mr. Rowe frequently in the Treasurer's office, after he ceased to be cashier or clerk in the Treasurer's office?

A—He was frequently in the office. There was some unfinished business when he left to the explanation of which his presence was frequently necessary.

Q—When was the coin in the Treasurer's office counted last preceding the 1st January, 1857?

A—I do not know—I have never had anything to do with the money. I have never seen it counted, or known it to be counted. It was not within the line of my duty.

Q—Were you in the office from the 12th to the 17th of January, instant?

A—I was, generally.

Q—Did you within that period see a bag or carpet sack containing coin lying in the office?

A—I did not.

F. R. BUNKER.

JAMES M. RHODES being sworn, states:

That he resides in Sacramento, and is clerk and book-keeper in the State Treasurer's office; I have been in that position since January, 1856.

Q—State what you know personally of the payment of \$124,000, by the State Treasurer to Mr. Rowe on the 3d of January, 1857.

A—I know very little personally, owing to sickness in my family: I have been absent from the office a good deal since November last; all I know of it is that the amounts were presented to me for entry on the books; I found a memorandum of the amounts on the spindle, placed there during my absence from the office, and I made from that memorandum the necessary entries in the books.

Q—Were you present when this money was paid?

A—I don't know whether I was or not; I was in the office upon one occasion, in the early part of January, when Dr. Bates and Mr. Rowe were counting some money but whether that money, or for what purpose they were counting it, I do not know.

Q—Did Mr. Rowe carry away from the office the money you saw them counting?

A—I do not know.

Q—Is your knowledge of the amount of coin in the Treasurer's office derived from an actual count of the money, or from your books?

A—From my books, and not from counting the coin.

Q—Were you in the office on the day when the first count of the money in the Treasurer's office was made by the Legislative Committee?

A—I was in the office on that day, but perhaps not all the time during office hours, of that day.

Q—Did you on that day see any money in the office in a carpet bag?

A—I did not; I saw none except what was in bags, near the door of the vault, and which had been set there to enable the Committee to count it.

Q—Under what date does the entry of the sending of this money to New York appear in your cash book?

A—Under date of the 10th of January, 1857. The original entry stated that the money was remitted by Wells, Fargo & Co. Their names were subse-

quently erased and the Pacific Express Co. inserted in their stead. The reason of this was, that in the memorandum which I found on the spindle, it was not stated by whom the money had been remitted, and as two remittances had been made by Wells, Fargo & Co., I supposed of course that this had been, and knew no better at the time the entry was made on the books; when I subsequently learned that it had been sent by the Pacific Express, the names of Wells, Fargo & Co. were erased and their names inserted. At the time I saw Dr. Bates and Mr. Rowe counting money, I did not know that it was for the purpose of paying interest, or that the Pacific Express Co. would be the agents.

Q—When did you first find this memorandum on your spindle?

A—I suppose it was on the 10th of January, the date under which it was entered in the books. There was no date on the memorandun. It might have been on the spindle several days.

Q—Did you know that this interest money had been remitted until you found this memorandum on your spindle?

A—I did not. This memorandum, I think, was in the handwriting of Mr. Rowe.

Q—Was Mr. Rowe in the office on the day of the first count?

A—I do not recollect of seeing him on that day, though he might have been in the office.

Q—Who keeps the keys of the vault in the Treasurer's office?

A—Mr. Bunker and Dr. Bates, have had the keys since Mr. Rowe left the office.

Q—Who had the keys during the absence of Mr. Bunker from the 27th of December to the 4th of January?

A—I must have had them part of the time. I think Mr. Rowe had them when this money was paid.

J. M. RHODES.

J. NEELY JOHNSON being sworn, states that he resides in Sacramento, and is the Governor of the State of California.

Q—Have you or not enquired of Mr. Rowe whether he had sent on to New York the \$124,000, to pay the interest on the State bonds due in July next?

A—As Governor of the State, and in discharge of what I believed to be my duty, I called on Mr. Rowe to know whether or not he had forwarded that money—this was about the 10th or 12th of the present month. In the reply to my question, I am quite confident that Col. Rowe told me the money was forwarded by the steamer of the 5th of January, instant.

J. NEELY JOHNSON.

HENRY M. NAGLEE being sworn, states that he resides in San Francisco.

Q—Were you cognizant of or a party to the arrangement whereby M. G. Reed, in December last, conveyed to E. A. Rowe certain real estate in San Francisco—please state all you know in relation to that transaction?

A—I was not a party to that arrangement, nor was I cognizant of it until about the end of December or beginning of January last, Mr. Rowe called upon me to advise me that Mr. Reed had made a transfer to him of the title to certain property on Pacific street, comprising some three fifty vara lots which had been previously mortgaged to me as Receiver of Adams & Co., to secure a certificate of deposit of Palmer, Cook & Co., of \$100,000. He desired to make some arrangement with me by which I shall release this mortgage, and proposed to substitute other securi-

ties instead of the mortgage. The securities proposed were the evidences of indebtedness of Adams & Co., from which he had received from Palmer, Cook & Co. Mr. Rowe was exceedingly anxious to induce me to make this arrangement, and had sent several friends to me previously, to induce me to listen, if possible, favorably to his proposition. He stated that Palmer, Cook & Co. owed a large amount of money, and among other things mentioned the indebtedness due from them to the State, and further said that if I would release the mortgage they could realize from \$100,000 to \$150,000 on the property. I positively declined the proposed arrangement. I consented, however, to endorse upon this mortgage, such proportion of any dividend which might be declared by the Court, as the indebtedness of Adams & Co., in his hand would be entitled to.

HENRY M. NAGLEE.

LOUIS McLANE, JR., being recalled, states :

Q—After the close of your examination by this committee on the 24th inst., did you have any conversation with Mr. Rowe as to the character of the testimony given by you? If you did, please state that conversation.

A—Mr. Rowe asked me what my testimony had been before the committee; the substance of which I related to him and told him that the committee would compel him to show what he had done with the money; he said that he would not answer any question as to the manner in which he had received that money or what he had done with it; that he would tell them that he had given a bond and refuse to answer any other question concerning it.

Q—Had you a subsisting contract with the State Treasurer, whereby you were to pay the interest falling due in New York upon the indebtedness of this State during his term of office? If so, state the circumstances leading to and attending the execution of that contract?

A—In December, 1855, and before Dr. Bates entered upon the duties of his office, I had a verbal contract with him that all the interest falling due in New York upon the indebtedness of this State, during his term of office, should be paid through the house of Wells, Fargo & Co. Some time in March or April, 1856, Dr. Bates applied to me to release him from so much of that contract as applied to the interest falling due in July, 1856, stating that Palmer Cook & Co. had already remitted \$50,000 of that interest, and he thought it due to them to let them pay it in New York; I assented to that, and then had our contract reduced to writing, which contract is here submitted to the committee and a copy thereof taken by them; whether Dr. Bates has a copy of that contract I do not know, though I think it probable he has.

Q—Was the Pacific Express Co., with its good will, fixtures, &c., ever offered to you by Mr. Brigham, a former superintendent? If so, state at what price.

A—In April or May last, Mr. Brigham offered to sell to me the Pacific Express Co. for \$10,000; some time in July or August, afterward, he offered it to me for \$15,000; the difference in the price asked on the two occasions arose from the fact that between the two offers some personal property had been added to the stock of the Company, increasing it in value.

LOUIS McLANE, JR.

A. B. McNIEL, being recalled, testifies as follows:

Q—Mr. Rowe informs the committee that the money sent by you to the State Treasurer's office on the 13th of January, instant, by his order, was sent there instead of the office of the Pacific Express Co., by design or mistake on your part. State whether you could have mistaken his order in this respect?

A—I understood him to order me to send it the State Treasurer's office. He may not have used the words "State Treasurer," but he said nothing about the Pacific Express office. If he had wanted it at the Pacific Express, he would have sent in for it, as that office is on the same street, four doors distant. The Treasurer's office is distant six blocks. I cannot remember now the exact words he made use of, but the language he did use, clearly gave me to understand that he wanted it at the Treasurer's office. I certainly had no desire to injure Dr. Bates. \$20,000, as I have before stated, of the money was obtained by Mr. Rowe of me, upon the credit of Dr. Bates' draft, as State Treasurer, upon Wells, Fargo & Co., of New York, to be drawn afterwards.

Q—When, if ever, did Mr. Rowe inform you that you had made this mistake?

A—I think it was about Wednesday last. It was after he had been examined by this committee. That was the first I had ever heard from any source that there was a mistake.

Q—Where is the banking house of John M. Rhodes situated?

A—On 2d street, in the same building with the Pacific Express office.

Q—Are the accounts furnished by you to the committee, of E. A. Rowe with Wells, Fargo & Co., correct transcripts from your books?

A—They are.

A. B. McNIEL.

WM. T. WALLACE, being first duly sworn, deposeth and saith :

That he is the Attorney General of the State of California.

Q—When did you first hear of the alleged payment of the sum of \$124,000 to the Pacific Express Co., how did you hear it, and what steps, if any, did you take thereupon?

A—I first heard of it on the 19th day of January, from J. W. Quimby, a member of the Legislature, at San Jose, who informed me that that sum had been turned over by the Treasurer to the Pacific Express Co., or Wells, Fargo & Co., he did not know which; he said he thought it ought to be stopped, and I replied I thought so too, and that it was a fraud upon the State; I then immediately telegraphed to J. B. Crockett, Esq., of San Francisco, requesting him to obtain an injunction, in my name, from some Court at San Francisco, and to prevent the shipment of the money at all hazards; the steamer would sail on the next day, (the 20th,) and it was impossible for me to be at San Francisco in time to participate personally in the matter; I received in about two hours, from Mr. Crockett, a dispatch, stating that he would attend to it; I was afterward informed by him that the injunction had been issued from the 12th District Court, and had been served before the steamer left; this was the first and only intimation that I ever received from any quarter that a shipment of money to meet the interest on the State debt was in contemplation.

Q—Were you at Sacramento at the commencement of the present session of the Legislature, and if so, when did you leave for San Jose, and what conversation, if any, did you have with the State Treasurer in relation to the public funds?

A—I was here about the time of the opening of the present session of the Legislature; I do not remember the precise day; while I was here J. Neely Johnson, Esq., handed me a letter from the State Treasurer, requesting my opinion upon the propriety of making payment of warrants, or of some transaction in the Treasury, involving the payment of money; in answer to the communication, I delivered to the Treasurer on the same day after, my written opinion, advising him not to pay any money out of the Treasury for any purpose, except by order of the Legislature, or the mandate of the Supreme Court. At the time of handing him this opinion, or shortly afterwards, I remarked to him that my opinion was a very

short one, but I thought it was effective, and that under the circumstances, it was the only safe advice which I could give him: he replied in substance, that he thought it was the safest plan for him to pursue, and that he would follow my advice.

Q—Did Mr. E. A. Rowe ever inform you that he had forwarded the money to New York on the steamer of the 5th of January, and if so, when did he so inform you?

A—Some time during the past week, I had a conversation with Mr. E. A. Rowe in front of the office of Wells, Fargo & Co., in Sacramento, in relation to the injunction which had been issued against the Pacific Express Company. Mr. Rowe stated that the writ had been served on one of the Clerks of the Company only, at San Francisco, and intimated that such a service was ineffectual in law. I understood him then to state in addition, in support of the proposition, that the service had been ineffectual, that it was made too late, and that the money had been shipped by the steamer on the 5th of January: but I have a very strong impression that he stated so to me in so many words, and I am certain that the impression I received from the conversation was that the money had been so shipped on the 5th January.

WILLIAM T. WALLACE.

February 2d. 1857.

## COPY OF THE AGREEMENT BETWEEN WELLS, FARGO & CO. AND DR. BATES.

*[Referred to in the Testimony of Louis McLane, Jr.]*

This agreement, made at San Francisco, in the State of California, on the fifteenth day of April, A. D. 1856, by and between *Henry Bates*, Treasurer of the State of California, party of the first part, and *Wells, Fargo & Co.*, (acting by their Agent, *Louis McLane, Jr.*) parties of the second part, witnesseth: That the party of the first part, in order to make arrangements for the payment of the interest to become due upon the debts of the State of California already funded, or which may be funded during his term of office as State Treasurer, and in consideration of the hereinafter mentioned undertakings of the parties of the second part, hereby agrees with the parties of the second part, to place in their banking house in Sacramento, all moneys received by him during his term of office, for the payment of the interest that may become due on and after the first day of January, A. D. 1857, on said debts of the State, whether already funded, or to be funded after the date thereof, so soon as said moneys, or any portion thereof, may from time to time be received by him.

And further, the party of the first part agrees to pay to the parties of the second part the actual cost of freight and insurance, from Sacramento to New York, upon all moneys which may be paid in New York by said parties of the second part, on account of any interest to become due on or after the first day



of January, A. D. 1857, on any of the funded debts of the State of California which already exist or may be created during the term of office of the party of the first part : And further, to pay to the parties of the second part, interest, at the rate per month which is paid by the general banking customers of the parties of the second part, upon any sum or sums of money which they may advance for the payment of said interest on said funded debts, over and above the amount received from the party of the first part.

And the said parties of the second part, in the consideration of the above undertakings and agreements of the party of the first part, agree promptly or sufficiently so to be in season to meet the payment of the interest when they fall due on the said funded debts, to remit to their banking house in New York the monies placed in their banking house at Sacramento by the party of the first part, as above agreed, and faithfully to apply the same to the payment of the interest upon the said funded debts of the State of California.

And they further agree, upon demand of the party of the first, when money is placed in their Banking House at Sacramento, as above agreed, to give good and sufficient bonds that the same shall thus be remitted to New York, and faithfully applied to the payment of said interest. This agreement to embrace the entire period that the party of the first part holds his said office as Treasurer.

Witness the hands and seals of the said parties, the day and year first above written.

HENRY BATES, [SEAL.]

LOUIS McLANE, Jr., [SEAL.]

In presence of

SAM'L KNIGHT.





WELLS, FARGO & COMPANY,  
 New York, California and European Express and Banking Co., }  
 Sacramento Office, January 15th, 1857.

LOUIS McLANE, Esq.,

San Francisco:

DEAR SIR:—We find in examining our accounts in the office that the money remitted to New York to meet the interest of July last, and also that of January, was overpaid on each seven thousand five hundred (\$7,500) dollars, making (\$15,000) which error you will notice in our report just made. I hereby desire to draw upon your house in New York for this amount, which draft you will please honor, and forward for your credit to your New York house.

Very respectfully,

Your obedient servant,

HENRY BATES.

State Treasurer.

The above is a true copy of the original letter advising Mr. McLane of the draft referred to in the testimony of Mr. McNiel and E. A. Rowe.

A. P. CATLIN,

Chairman Special Committee.

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Pacific Express of the State of California, as principal, and Edwin A. Rowe, D. Brigham, Jr., Charles E. Bowman, James G. Stebbins, S. Heydenfeldt, J. Haworth, A. G. Richardson, and Archibald Woods, as sureties, are held and firmly bound unto Henry Bates, Treasurer of the State of California, in the penal sum of one hundred and twenty-four thousand dollars for the payment whereof well and truly to be made, we do hereby bind ourselves, our heirs, executors and administrators firmly by these presents.

Signed and sealed with our respective seals, this, the third day of January, A. D., one thousand eight hundred and and fifty-seven.

The conditions of this obligation are such that, whereas, under and by virtue of the acts of the Legislature of the said State of California, entitled, "An Act to fund the debt of the State," approved April 29th, A. D., 1851, and "An Act to fund the indebtedness of the State which has accrued, or may accrue from April 29th, A. D., 1851 to December 31st, 1852, inclusive, and to provide for the payment of the Three per cent. Bonds," approved May 1st, 1852, and "An Act supplementary to 'An Act to fund the indebtedness of the State which has accrued or may accrue from April 29th, 1851, to December 31st, 1852, inclusive, and to provide for the payment of the Three per cent. Bonds,' " approved May 1st, 1852, which supplementary Act was approved May 17th, A. D. 1853, and "An Act to fund the indebtedness of the State, existing in the form of State Controller's Warrants drawn upon the Treasurer of State, between the thirtieth day of June, A. D. 1853, and the

first day of July, 1855," approved March 16th, 1855, and "An Act to fund the indebtedness of the State now existing in the form of Controller's Warrants drawn on the General Fund, or that may be outstanding on the 1st of January, 1857, or Warrants issued for indebtedness accruing prior to the 1st of January, 1857," approved April 19th, 1856. It became the duty of the Treasurer of the said State to make certain arrangements to pay the interest upon the bonds of the State issued in pursuance of said Acts, when such interest should fall due, and said Treasurer being authorized by said Acts, to make such contracts and arrangements as might be necessary for the payment of said interest, and the said Treasurer having contracted with the said "Pacific Express" for the prompt payment of the interest upon the funded debt of said State due and payable in the city of New York, on the 1st day of July, A. D., 1857, as the coupons for the interest on said debt, payable in the said city of New York, shall be there presented.

The said Pacific Express having contracted for the payment of said interest as aforesaid, at the office of said Pacific Express, in said city of New York, the interest so to be paid not to exceed the sum of one hundred and twenty-four thousand dollars, (\$124,000,) and the said Pacific Express having further contracted to publish, or cause to be published in some newspaper of the city of New York, notice that said interest will be paid at the said office of said Pacific Express, in said city, upon the presentation of the coupons therefor, on and after the said first day of July, A. D. 1857, such publication to be made in the manner prescribed by law. And the said Pacific Express having further contracted that the said coupons paid, or caused to be paid, by them as aforesaid, shall be delivered up to the Treasurer of said State, at his office, within four months after the same are paid in the city of New York.

And the said Pacific Express having contracted and agreed, further, that they will justly and truly account with the Treasurer of said State for all coupons and moneys in their hands belonging to the said State, upon reasonable notice given them by the said Treasurer, and upon such accounting, they will deliver and pay over to the said Treasurer, any and all coupons, moneys, or property of the said State in their hands.

Now, therefore, if the said Pacific Express shall well and truly perform all and singular, the terms and stipulations so contracted for on the part of said Pacific Express, without default, then this obligation to be null and void, otherwise to remain in full force and virtue.

#### PACIFIC EXPRESS,

By E. A. ROWE, President and Agent.

D. BRIGHAM, Jr., [SEAL.]

CHARLES C. BOWMAN, [SEAL.]

JAMES G. STEBBINS, [SEAL.]

S. HEYDENFELDT, [SEAL.]

JAS. HAWORTH, [SEAL.]

A. G. RICHARDSON, [SEAL.]

ARCH'D WOODS, [SEAL.]

A true copy:

F. R. BUNKER,

Clerk in State Treasurer's office.

MEMORANDUM OF AGREEMENT between the Pacific Express Company, of San Francisco, of the first part, and Henry Bates, Treasurer of the State of California, of the second part, made this third day of January, A. D. eighteen hundred and fifty-seven.

In consideration of the sum of one hundred and twenty-four thousand dollars, this day paid by the said Henry Bates, Treasurer, &c., to the said Pacific Express Company, the receipt whereof is hereby acknowledged, the said Pacific Express Company agree that they will pay the interest upon the civil funded debt of said State, due and payable in the city of New York on the first day of July, A. D. 1857, at the office of the Pacific Express Company, in New York, as the coupons for the interest on said debt shall be there presented. The amount of interest so to be paid by them not to exceed one hundred and twenty-four thousand dollars. That they will publish, or cause to be published, in some newspaper of the city of New York, notice that said interest will be paid at the said office of the said Pacific Express Company, upon the presentation of the coupons therefor, on and after the first day of July, A. D. 1857. The said publication to be made in the manner provided by law.

That the coupons so paid or caused to be paid shall be delivered up to the Treasurer of the State, at his office, within four months after the same shall have been paid in the city of New York.

That they will fully and truly account with the Treasurer of said State for all coupons and moneys in their hands belonging to said State, upon reasonable notice being given them by the said Treasurer, and that upon such accounting they will deliver and pay over to the said Treasurer any and all coupons, money or property of the said State in their hands.

Witness the hands of the said parties the day and year aforesaid.

E. A. ROWE,  
President of Pacific Ex. Co.

HENRY BATES,  
State Treasurer.

A true copy.

F. R. BUNKER,  
Clerk in State Treasurer's Office.

RECEIVED, January 3, 1857, from Henry Bates, State Treasurer, one hundred and twenty-four thousand dollars, to be applied to payment of interest due in New York, on the first of July next, on bonds of the State of California.

PACIFIC EXPRESS,

By E. A. ROWE,

President.

A true copy,

F. R. BUNKER,

Clerk in State Treasurer's Office.

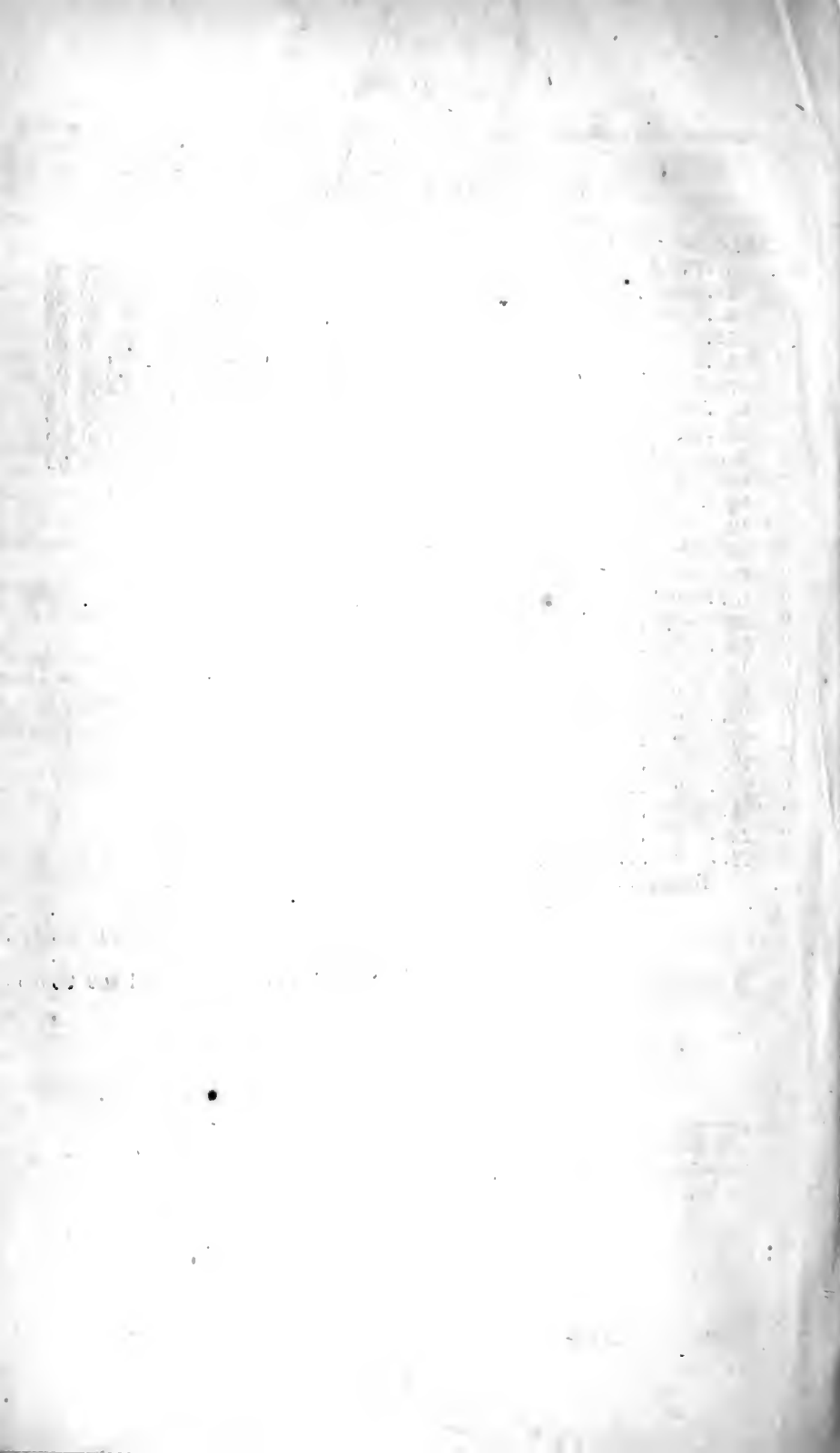
E. A. ROWE, "CASHIER."

| 1856.     | Dr.        |                     | 1856.     | Cr.          |                     |
|-----------|------------|---------------------|-----------|--------------|---------------------|
| Sept. 1.. | Check..... | \$5,000 00          | Aug. 29.. | Deposit..... | \$4,475 14          |
| " 1..     | " .....    | 1,000 00            | Sept 18.. | " .....      | 4,058 20            |
| " 16..    | " .....    | 100 00              | " 19..    | " .....      | 5,150 00            |
| " 18..    | " .....    | 5,150 00            | Nov. 4..  | " .....      | 117,862 66          |
| Oct. 27.. | " .....    | 1,500 00            | " 13..    | " .....      | 2,700 00            |
| Nov. 3..  | " .....    | 3,000 00            | " 25..    | " .....      | 11,414 42           |
| " 4..     | " .....    | 120,000 00          | Dec. 4..  | " .....      | 10,000 00           |
| " 4..     | " .....    | 700 00              | " 22..    | " .....      | 14,381 74           |
| " 4..     | " .....    | 2,000 00            | " 24..    | " .....      | 12,248 76           |
| " 7..     | " .....    | 3,600 00            |           |              |                     |
| " 11..    | " .....    | 5,550 00            |           |              |                     |
| " 13..    | " .....    | 3,569 18            |           |              |                     |
| " 25..    | " .....    | 1,670 00            |           |              |                     |
| " 25..    | " .....    | 1,400 00            |           |              |                     |
| " 25..    | " .....    | 330 00              |           |              |                     |
| " 27..    | " .....    | 550 00              |           |              |                     |
| Dec. 6..  | " .....    | 1,143 37            |           |              |                     |
| " 26..    | " .....    | 1,050 00            |           |              |                     |
| " 27..    | " .....    | 9,000 00            |           |              |                     |
| " 30..    | " .....    | 15,000 00           |           |              |                     |
| " 31..    | " .....    | 978 37              |           |              |                     |
|           |            | <u>\$182,290 92</u> |           |              | <u>\$182,290 92</u> |

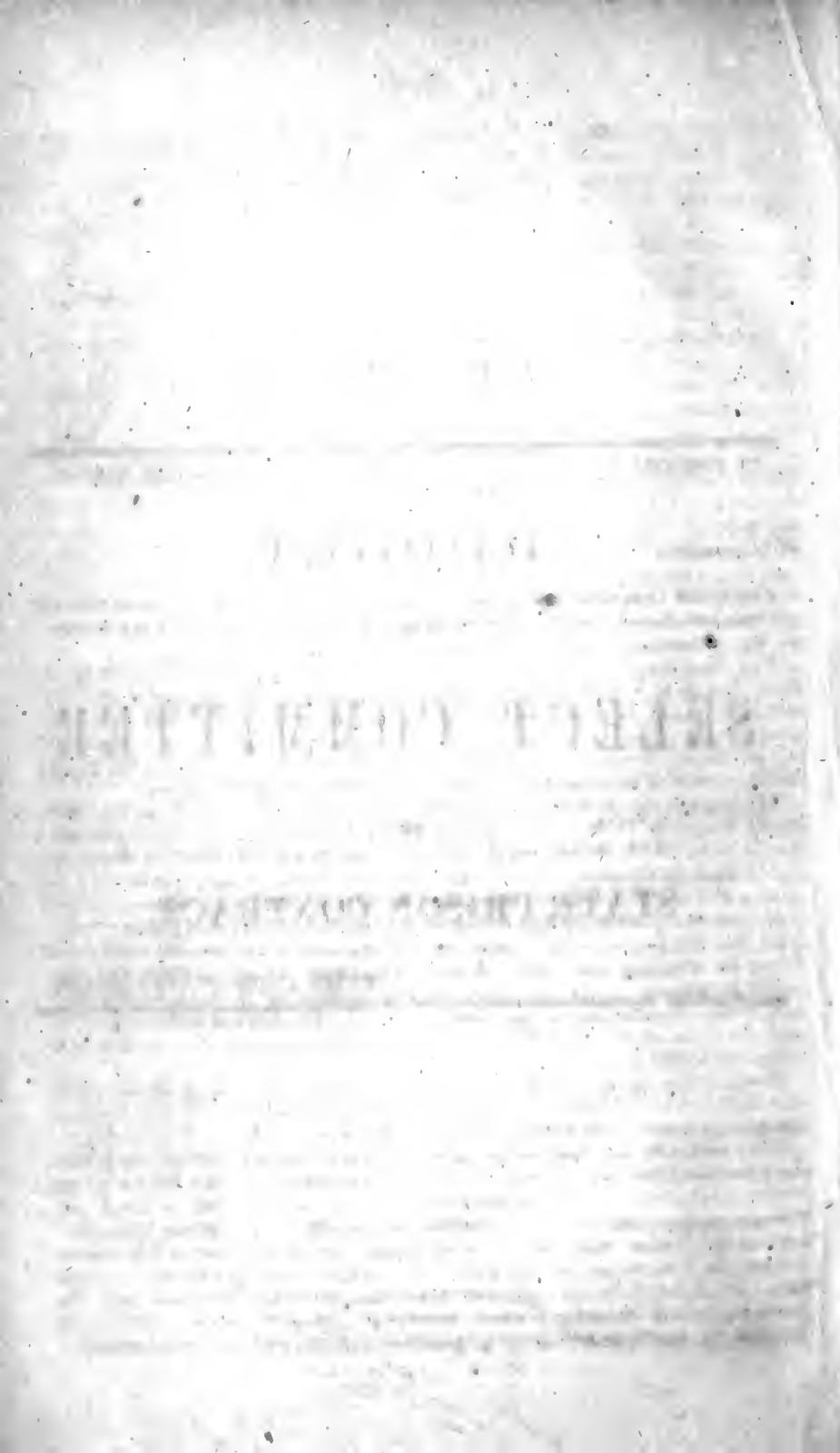
## E. A. ROWE, "PRESIDENT."

| 1857. |      | Dr.          |                    | 1857.        |      | Cr.          |                    |
|-------|------|--------------|--------------------|--------------|------|--------------|--------------------|
| Jan.  | 5..  | Check.....   | \$1,616 84         | Jan.         | 5..  | Deposit..... | \$15,978 31        |
| "     | 5..  | " .....      | 1,060 00           | "            | 9..  | " .....      | 2,000 00           |
| "     | 6..  | " .....      | 300 00             | "            | 13.. | " .....      | 5,000 00           |
| "     | 7..  | " .....      | 5,423 31           | "            | 13.. | " .....      | 3,000 00           |
| "     | 7..  | " .....      | 530 92             | "            | 14.. | " .....      | 1,725 00           |
| "     | 7..  | " .....      | 273 00             | "            | 15.. | " .....      | 15,000 00          |
| "     | 8..  | " .....      | 1,500 00           | "            | 15.. | " .....      | 7,930 86           |
| "     | 8..  | " .....      | 76 60              | "            | 15.. | " .....      | 110 00             |
| "     | 8..  | " .....      | 20 00              | "            | 17.. | " .....      | 20,000 00          |
| "     | 10.. | " .....      | 750 00             |              |      |              |                    |
| "     | 10.. | " .....      | 50 00              |              |      |              |                    |
| "     | 12.. | " .....      | 60 00              |              |      |              |                    |
| "     | 13.. | " .....      | 20,000 00          |              |      |              |                    |
| "     | 13.. | " .....      | 5,000 00           |              |      |              |                    |
| "     | 13.. | " .....      | 9,000 00           |              |      |              |                    |
| "     | 13.. | " .....      | 1,280 00           |              |      |              |                    |
| "     | 14.. | " .....      | 750 00             |              |      |              |                    |
| "     | 14.. | " .....      | 2,613 60           |              |      |              |                    |
| "     | 15.. | " .....      | 1,000 00           |              |      |              |                    |
| "     | 15.. | " .....      | 15,000 00          |              |      |              |                    |
| "     | 17.. | " .....      | 20 00              |              |      |              |                    |
| "     | 19.. | " .....      | 750 00             |              |      |              |                    |
| "     | 20.. | " .....      | 50 00              |              |      |              |                    |
| "     | 21.. | " .....      | 50 00              |              |      |              |                    |
| "     | 22.. | " .....      | 800 00             |              |      |              |                    |
| "     | 22.. | " .....      | 1,300 00           |              |      |              |                    |
|       |      | Balance..... | 1,469 96           |              |      |              |                    |
|       |      |              | <u>\$70,744 23</u> |              |      |              | <u>\$70,744 23</u> |
|       |      |              |                    | Balance..... |      | \$1,469 96   |                    |









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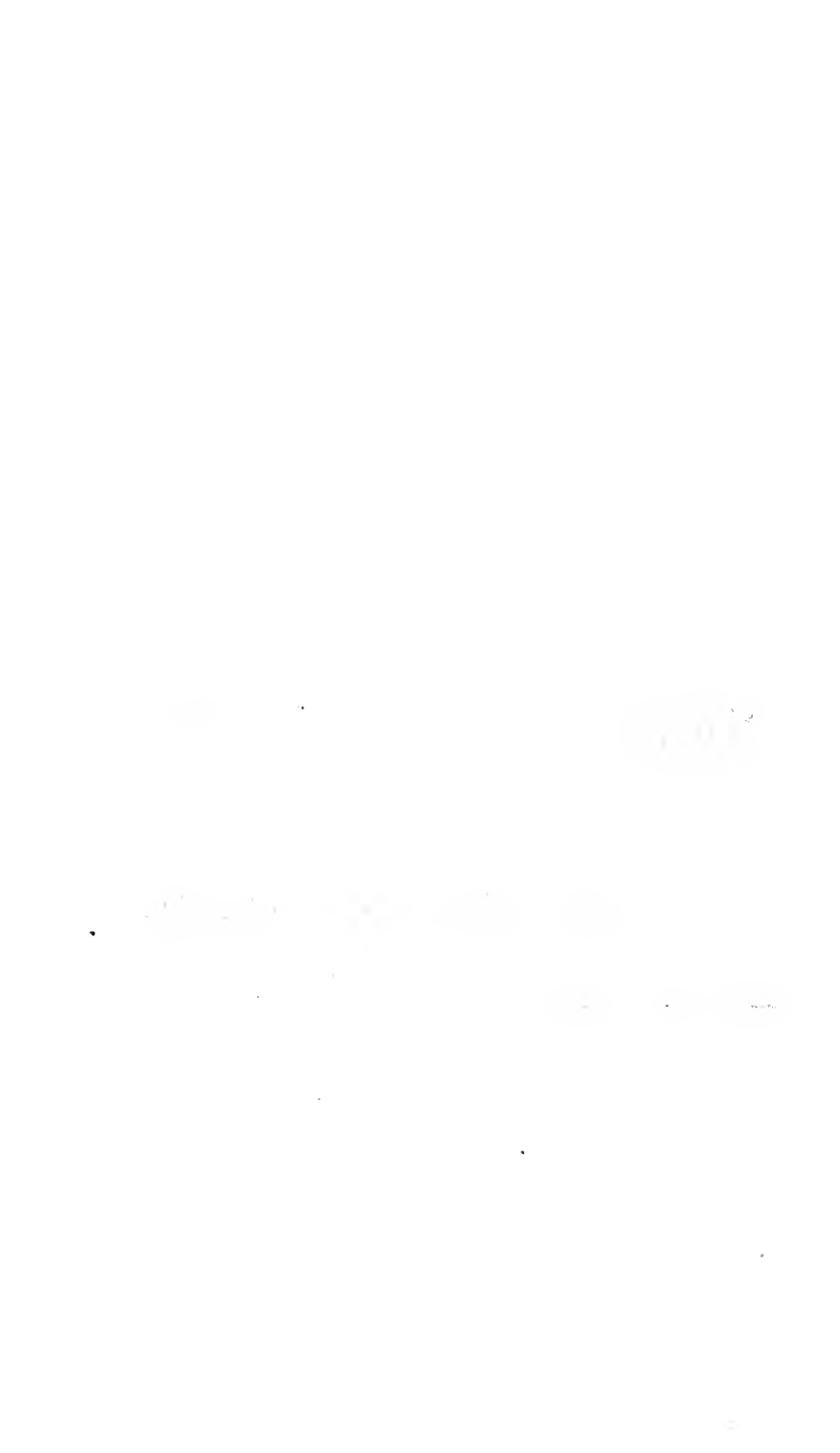
IN ASSEMBLY.]

[EIGHTH SESSION.

REPORT  
OF  
SELECT COMMITTEE  
ON  
STATE PRISON CONTRACT.

JAMES ALLEN, STATE PRINTER.

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# REPORT.

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*Mr. Speaker :*

The Select Committee appointed to confer with the lessee of the State Prison, and to ascertain and report to this Assembly the terms upon which he will surrender his contract with the State, would respectfully report :

That they have not confined themselves strictly to the duties imposed upon them, but have extended their inquiries to various subjects connected with the State Prison and its management, its expenses, and the profits, if any, to be derived from it. This your committee deemed necessary to enable them to arrive at any satisfactory conclusion in their own minds, as to what sum, if any, the lessee would be entitled to demand of the State upon relinquishing his contract.

The contract by which the lessee holds the State prison, was made on the 26th day of March, A. D. 1856. In that contract it is recited as a part of the consideration upon which it was based, that the lessee should release to the State, all claims, legal, or equitable, which he had against the State, growing out of his connection with the State prison. Also that he should cause to be released to the State a claim of forty-eight thousand eight hundred dollars, (48,800,) which Archibald Woods held against the State, for property purchased of him by the State Prison Directors and other State officers. Also a claim of two millions and two hundred thousand bricks, purchased of him by the State Prison Directors, and used in the construction of the State prison walls, which at ten dollars per thousand, the price agreed to be paid for them, would amount to twenty-two thousand dollars, (\$22,000.)

It would thus appear that the lessee paid to the State, the sum of seventy thousand eight hundred dollars in consideration of the contract entered into between him and the State on the 26th of March, A. D. 1856.

The lessee, since the date of the said contract, has made improvements in and about the said Prison to the amount of seventy-seven three hundred and sixty-four dollars, (\$77,364,) as per estimates 11, 12, 13 and 14, furnished by Mr. E. H. Pomeroy, and the letter of S. P. Kimball, and certified to by Messrs. O'Conner, Johnson and Norton, which are herewith annexed and made a part of this report.

Upon the best estimate we can make from data before us, it has cost the lessee about six thousand dollars (\$6,000) per month, to feed, clothe, and guard the prisoners, making for twelve months seventy-two thousand dollars, constituting therefore an aggregate expenditure, in the consideration paid by him for contract,

and in improvements, guarding, clothing, and feeding the prisoners, of two hundred and twenty thousand one hundred and sixty-four dollars. (\$220,164.) He has received from the State twenty-five thousand dollars (\$25,000) in cash, and likewise \$35,000 for sale of brick, and \$90,000 in scrip, making in the aggregate one hundred and fifty thousand dollars, (\$150,000.)

The lessee desires, as he alleges, to keep the State prison, and to continue his contract, in preference to any other course; but if the State prefer to vacate the contract, then he is willing to relinquish all rights under it, and deliver up to the State the possession of the prisoners, and all of the property connected with the State prison, including that received by him from the State under his contract of the 26th day of March, 1856, for the sum of one hundred thousand dollars, to be paid in such manner as may be agreed upon—out of which is to be retained a sum equal to the amount due to those employed by said lessee in superintending and guarding the prison, subject to their order, in the hands of the Treasurer, or a commission established to settle their several accounts.

In order that the Legislature may act advisedly in this matter, we have deemed it proper to ascertain and report the following facts:

There were in the State Prison on the 19th day of March, 1857, four hundred and eighty-three (483) convicts, and under the operation of our present criminal laws, the number will gradually but steadily be increased.

To guard, feed and clothe properly this number of prisoners, will require in cash about six thousand seven hundred (\$6,700) dollars per month, as follows:

|                            |         |
|----------------------------|---------|
| For provisions.....        | \$4,000 |
| “ clothing.....            | 1,000   |
| “ officers and guards..... | 1,700   |
|                            | <hr/>   |
|                            | \$6,700 |

With some additions to the improvements, buildings, &c., now on the grounds, the lessee is of the opinion that the prisoners could be hired to responsible mechanics, to be worked within the Prison limits, so as to yield a monthly income of eleven thousand three hundred and ten (\$11,310) dollars, as follows:

|  |          |
|--|----------|
| 50 blacksmiths, at \$1 50 each per day.....                  | \$75 00  |
| 50 filers, dressers and strikers, at \$1 each per day.....   | 50 00    |
| 50 ship carpenters, joiners, &c., at \$1 50 each per day.... | 75 00    |
| 50 shoemakers, at 75 cents per day each.....                 | 37 50    |
| 100 cabinet makers, turners and wheelwrights.....            | 100 00   |
| 30 coopers, at 75 cents each.....                            | 22 50    |
| 100 brick makers.....  | 75 00    |
|  | <hr/>    |
| 430 men, yielding daily.....                                 | \$455 00 |
| Making, as above, per month of 26 days.....                  | \$11,310 |

Assuming, then, that the opinion of the lessee is correct, with an energetic, honest and faithful Superintendent, there can be no doubt that in a short time the State would not only be relieved from all expense in the maintenance of the prisoners, but derive a steady income from their labor.

Upon consulting with Mr. E. H. Pomeroy, a gentleman who seems well versed in Prison discipline and management, he advances with confidence the opinion, that within three months of the completion of the shops, four hundred prisoners might be farmed out at a price equaling fifty cents per day for each man,—thus yielding to the State a monthly income of about six thousand dollars.

Taking, then, \$6,700 as the cost of keeping up the State Prison, if the opin-

ion of the lessee proves to be correct, the institution would pay \$4,610 per month profit. If, however, the opinion of Mr. Pomeroy be correct, then there would be a deficiency of \$700 per month. In either event, the State would be relieved of a burthen which is now seriously felt.

That four hundred prisoners could be hired out at sums varying from fifty cents to one dollar per day, is placed beyond a doubt by the fact that the present lessee has entered into contracts of this character to some extent, and would have no difficulty, as he states, in increasing the number so hired to four hundred or upwards.

To effect an arrangement of this sort, however, it would be necessary to complete the work-shops now in process of erection.

In the opinion of Mr. Pomeroy, this would require an outside expenditure of not exceeding \$6,000, and perhaps not over \$3,500.

It will thus be seen that if these estimates are correct, and the Committee have no reason to doubt their correctness, by an expenditure of not over \$3,000 the State Prison can be made, under faithful management, self-supporting at least, if it does not yield large profits to the lessee or person entitled to receive the same.

In the opinion of your Committee, it is necessary, for the proper accommodation of the prisoners, that another story should be added to the present Prison building; within the Prison walls there are only sleeping accommodations for 436 prisoners—of these 196 sleep in cells, four in each cell, and 240 in one large room. This ought not to be permitted, but at present there is no remedy, unless another story be added to the Prison, and the space above the work-shops be converted into a dormitory, which, though not as secure as cells, would be comparatively secure, inasmuch as it is entirely within the limits of the present Prison walls.

Should the lessee retain the Prison under his contract, he should be required at once to erect the necessary improvements in buildings and cells, for comfortably lodging and securely keeping the prisoners, as provided in his contract. Should the State resume the control of the Prison, or lease it to some other person, it is no less imperative that immediate steps should be taken to cause the necessary improvements to be made.

The rapid and steady increase of the convicts at the present State Prison—already inadequate to the accommodation of the prisoners now confined there—together with the inappropriate selection of that site for the object, suggests the propriety of making a new location for a State Prison, where, until the finances of the State shall be in a condition to meet the expenditures of erecting permanent buildings, temporary enclosures, buildings and fixtures, might be made for confining and securing in future all those convicts who shall have been sentenced for terms of two years and under.

With this view, the neighborhood of Folsom is considered a proper location, as affording all the facilities for the profitable employment of the prisoners in quarrying stone, and preparing it for the erection of the State Capitol, permanent Prison buildings, and for other purposes, so as to defray at least a portion of the expenses necessary in managing, working, feeding and clothing them.

Accompanying this Report are—

Statements of Mr. Pomeroy as to queries propounded by the Committee :

Inventory of property delivered to the lessee ;

Inventory of furniture ;

Statement of bricks on hand, and ready for burning, &c. ;

Statement of Commissary Department ;

Statement of cost of wharves at Prison ;



Statement of labor, materials, &c., employed ;  
 Value of ways for ship building ;  
 Statement of lumber used on improvements, and quantity on hand ;  
 Communication concerning the hiring of convicts to be worked within Prison walls ;  
 Map of Prison grounds.

All of which is respectfully submitted.

JOSEPH S. WATKINS, Chairman.  
 P. H. PIERCE.

NESSRS. WATKINS, CLARK and PIERCE, Sacramento.

GENTLEMEN :—In accordance with your request, I submit the accompanying exhibits in answer to the following questions, *viz* :

1. Quantity of brick made during the year.
2. Quantity of brick on hand.
3. How many clothes and shoes furnished.
4. Monthly expenses of institution.
5. Inventory of property delivered by Directors to Lessee.
6. Cost of medicine per month.
7. Cost of provisioning free men and prisoners per month.
8. Cost of buildings and improvements, as though built by free men.
9. Number and capacity of cisterns.
10. Cost of grading and filling
11. Cost of building wharves.
12. Number of prisoners hired to contractors.
13. Amount necessary to finish shops.
14. What can the prisoners be farmed out for ?
15. What number of brick can be made with present facilities ?
16. Amount of dirt excavated for brick.
17. Condition of engine, time necessary to set in operation.
18. Quantity of stone on Island.

For answer to question First see Exhibit number eleven.

|   |   |   |   |   |   |                     |
|---|---|---|---|---|---|---------------------|
| " | " | " | Second  | " | " | "                   |
| " | " | " | Fifth   | " | " | one, two and three. |
| " | " | " | Sixth   | " | " | below.              |
| " | " | " | Eighth  | " | " | eleven and twelve.  |
| " | " | " | Ninth   | " | " | twelve.             |
| " | " | " | Tenth   | " | " | eleven and twelve.  |
| " | " | " | Eleventh  | " | " | " "                 |
| " | " | " | Thirteenth  | " | " | below.              |
| " | " | " | Fifteenth   | " | " | twelve.             |
| " | " | " | Eighteenth  | " | " | below.              |
| " | " | " | Third and Fourth, I append estimate of L. H. Allen, |   |   |                     |
|   |   |   | Lessee's agent, at San Francisco.                   |   |   |                     |

For answer to number seven, I am of the opinion that the food alone if of the first quality will not be less than \$4,500 per month.

For answer to number six I would state \$60 per month, (upon the authority of Dr. Harris.)

For answer to number thirteen, I am satisfied from conversations with Messrs. Gordon and O'Conner, that the cost of

|  |            |
|--|------------|
| Lumber and Lime.....                       | \$1,500    |
| Brick, if purchased at the usual rate..... | 2,500      |
| Masons' work, free labor.....              | 1,000      |
| Nails, Windows, &c.....                    | 1,000      |
|  | —— \$6,000 |

In answer to question number sixteen, there are twenty-one clay mills in order for immediate use, and if worked as last year, will turn out about 80,000 per day.

For answer to question number seventeen, I answer the engine is in good running order, and as soon as the buildings are completed and a line of shafting put up through the shops, will be ready to furnish power sufficient to meet the wants of all who are likely to engage in business here.

For answer to question number eighteen, I am told by Mr. O'Conner that there are about 1,600 tons.

Yours, very respectfully,

E. H. POMEROY.

*Inventory of property received from F. S. McKenzie, Warden of State Prison, at San Quentin, to wit :*

|                          |                                     |
|--------------------------|-------------------------------------|
| 9000 lbs. fine Flour,    | 1 box Pepper,                       |
| 5 large chests Tea,      | 2 box Candles,                      |
| 8 small " "              | 4 box Soap,                         |
| 4½ lbs. of Butter,       | 1 pkg. N. O. Sugar,                 |
| 1 keg Vinegar,           | 12 tins Lard,                       |
| 2 kegs White Lead,       | 1 box assorted Tacks,               |
| 1 box Borax,             | Lot screws, butts, matches, rivets, |
| 10 bars Steel,           | shoemaker's tools, percussion       |
| 2½ dozen Brooms,         | caps, curry combs, spices, &c.      |
| 2 sides Harness Leather, | 5 galls. Oil,                       |
| 1 dozen Picks,           | 25 Horses,                          |
| 4 mats Sugar,            | 15 Colts,                           |
| 8 bags Coffee,           | 8 Mules,                            |
| 3 bags Potatoes,         | 17 yoke Oxen,                       |
| 10 bags Salt,            | 1 Bull,                             |
| 1 box Mustard,           | 100 Hogs and Pigs.                  |

*Stable Fixtures.*

|                      |                   |
|----------------------|-------------------|
| 10 Carts,            | 52 Wheel-barrows, |
| 3 Waggon,            | 100 Shovels,      |
| 2 Water Carts,       | 65 Picks,         |
| 3 Stone Trucks,      | 8 Brick Presses,  |
| 9 sets Cart Harness, | 20 Crow Bars,     |
| 4 Saddles,           | 1 Plough.         |
| 4 Bridles,           |                   |

*Carpenters' Department.*

|                          |                    |
|--------------------------|--------------------|
| 8 Work Benches,          | 4 Rasps,           |
| 50 Planes,               | 8 Augers,          |
| 9 Trying Squares,        | 4 Braces,          |
| 6 Iron Squares,          | 1 Sett Bitts,      |
| 1 Plow and set of irons, | 3 Hollow Augers,   |
| 7 Claw Hammers,          | 12 Hand Screws,    |
| 3 Drawing Knives,        | 8 Screw Clamps,    |
| 2 Bevels,                | 1 Spoke Shave,     |
| 15 Gauges,               | 2 pair Cartwheels, |
| 3 Screw Drivers,         | 2 Compasses,       |
| 3 Hatchets,              | 1 Grind Stone,     |
| 2 Hand Axes,             | 2 Oil Stones,      |
| 32 Chisels,              | 6 Rules.           |
| 17 Gauges,               |                    |

*Machine Department.*

|                        |                   |
|------------------------|-------------------|
| 1 Lathe,               | 1 Brace,          |
| 4 Chucks,              | 1 Smooth Plane,   |
| 1 Slide rest,          | 1 Screw Wrench,   |
| 1 dozen Turning tools, | 3 Cold Chisels,   |
| 1 Vice,                | 1 Oil Stone,      |
| 3 Drivers,             | 1 Pair Compasses, |
| 1 Axe, Saw,            | 1 Calliper.       |

*Blacksmith's Department.*

|                     |                                   |
|---------------------|-----------------------------------|
| 2 pair Bellows.     | 1 twenty-five horse power Engine, |
| 2 Anvils,           | 1 four " " "                      |
| 2 Vices,            | 1 Turning Lathe,                  |
| 2 Sledges,          | 16 double Shackles,               |
| 4 Hand Hammers,     | 18 single Chains,                 |
| 30 pairs Tongs,     | 15 hedding tools,                 |
| 1 Planing machine,  | 20 Swedges and Pinchers,          |
| 1 Drilling machine, | 1 bar 3 inch Iron,                |
| 1 Fire bender,      | 1 ton old Iron,                   |
| 2 set Screw plates, | 2 Grind Stones.                   |

*Kitchen Department.*

|                        |                   |
|------------------------|-------------------|
| 1 large Kitchen Stove, | 4 Copper Boilers, |
| 3 Tin Boilers,         | 1 Clock.          |
| 3 Iron "               |                   |

*Trusty Department.*

1 Cooking Stove.

*Guard Room.*

25 pairs Blankets.

*Prison Kitchen Department.*

1 Range.

*Washing Department.*

Boilers, Tubs, &amp;c.

*New Clothing.*

|                          |                           |
|--------------------------|---------------------------|
| 179 pairs Pants,         | 70 pairs Blankets,        |
| 120 Blue Flannel Shirts, | 2 sets Shoemaker's tools, |
| 318 Red " "              | 6 office Chairs,          |
| 168 Hickory " "          | 6 Mahogany Chairs.        |

*Furniture Department.*

|                       |                     |
|-----------------------|---------------------|
| 37 yds. Damask,       | 2 gilt Mirrors,     |
| 3 Cornices and Loops, | 1 Centre Table,     |
| Ornaments &c.,        | 3 Mahogany Mirrors, |
| 3 Gimp,               | 3 dbl. Bedsteads,   |
| 60 yds. Carpeting,    | 4 Hair Matresses,   |
| 31 " " "              | 4 Straw " "         |
| 4 " Damask,           | 4 pairs Blankets,   |
| 1 Mahogany Secretary, | 3 Feather Pillows,  |
| 1 Mahogany Sofa,      | 4 Bolsters.         |

*Armory Department.*

|             |                                   |
|-------------|-----------------------------------|
| 17 Rifles,  | 350,000 Bricks ready for burning, |
| 14 Pistols, | 11 new Mud Mills.                 |

*Marine.*

|                   |                     |
|-------------------|---------------------|
| 1 Sloop—Marine,   | 2 Scows.            |
| 1 " —Pike Co.,    | 1 Ship's long boat, |
| 1 Schr.—Mariposa. | 3 small boats.      |

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**COMMISSARY DEPARTMENT.**

JANUARY, 1857.

|                   |            |
|-------------------|------------|
| Beef .....        | 1,408 lbs. |
| Hams .....        | 15,739     |
| Pork .....        | 1,959      |
| Corned Beef ..... | 2,819      |
| Bacon .....       | 20         |
| Mackerel .....    | 2,438      |
| Smoked Beef ..... | 309        |
| Veal .....        | 160        |

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Total ..... 24,852  
Average issue, per day, 801 lbs.

|   |        |
|---|--------|
| Flour, average per day, 682 lbs., total | 21,154 |
| Coffee, " 14 "                          | 434    |
| Sugar, " 13 "                           | 410    |
| Tea, " 4 "                              | 136    |
| Butter " 2 1-5 "                        | 68     |
| Potatoes, " 33 "                        | 1,040  |
| Beans, " 280 "                          | 8,700  |

Total ..... 31,942

Number of Convicts, February 1st, 1857..... 480

" Freemen ..... 54

|                     |                           |
|---------------------|---------------------------|
| 1 Superintendent,   | 3 Overseers of Shipyard,  |
| 1 Commissary,       | 3 Sailing Masters,        |
| 1 Physician,        | 3 Shoemakers,             |
| 1 Captain of Guard, | 2 Brick Burners,          |
| 1 Drover,           | 1 Architect of Buildings, |
| 1 Architect,        | 36 Guards on duty.        |

Total..... 54

*Return of Labor, Materials, etc., used upon the new Buildings and various Improvements, (viz: grading, excavating and filling up, in and around the State Prison at Point San Quentin,) by J. M. ESTELL, commencing March 29th, 1856, ending March 17th, 1857:*

|   |            |
|---|------------|
| Excavation, 3,555 cubic yards rock, at \$2 50 per yard.....             | \$8,887 50 |
| " 3,003 " earth, at 38c. " .....  | 1,141 14   |
| Stone wall, laid in lime, cement and mortar, 46,585 cubic feet, at 38c, | 17,702 30  |
| Brick, laid in lime and cement, 531,578 brick, at \$19 per M. ....      | 10,099 97  |
| Brick paving, 700 square yards, at 40c. per yard.....                   | 280 00     |
| Mason work and material used in putting up steam engine and boiler      | 800 00     |
| Brick Sewer and inverted arch, 205 lineal feet, at \$5 per foot.....    | 1,025 00   |
| " " small, 60 lineal feet, at \$2 per foot.....                         | 120 00     |
| Plank sewer, 62 feet, at \$1 50 per foot.....                           | 93 00      |
| Cut-stone door sills, 75 feet, at \$1 75 per foot.....                  | 131 25     |
| Yellow pine steps, 4 flights, at \$20.....                              | 80 00      |
| McAdamized road, 4,310 square yards, at 50c. per yard.....              | 2,155 00   |
| Wharves, 12,000 cubic feet stone wall, at 30c.....                      | 3,600 00   |
| Earth filling, 7,522 cubic yards, at 38c. per yard.....                 | 2,858 36   |
| Excavating and walling 3 wells, at \$100 each.....                      | 300 00     |

2 Cisterns, capacity of 58,700 gallons.

Quantity of brick made during the year, 7,000,000; on hand,  
300,000 burnt, 1,750,000 unburnt.

Number of horses, colts and mules, 55.

Salaries of Employees—

|                                  |        |
|----------------------------------|--------|
| Superintendent.....              | — —    |
| Commissary .....                 | — —    |
| Captain of Guard, per month..... | 100 00 |
| Overseers, " .....               | 70 00  |
| Guards, " .....                  | 50 00  |
| Sailing Master, " .....          | 70 00  |

|  |         |                |
|--|---------|----------------|
| Physician, per month.....  | 150 00  |                |
| Superintendent of Improvements and Buildings.....  | 100 00  |                |
| Amount of men leased to contractors, ———.  |         |                |
| Amount of dirt excavated for making brick, estimated as sufficient<br>for 7,000,000.                                   |         |                |
| Filling ground now used for brick purposes, and not estimated above,<br>about 1,600 cubic yards, at 38c. per yard..... |         | 608 00         |
| Bill of Carpenters' Work on Shops—   |         |                |
| 208 squares framing rafters, at \$5.....   | \$1,040 |                |
| 208 squares sheathing and shingling, at \$5.....   | 1,040   |                |
| 567 feet tin gutters, with arches, at \$1.....   | 567     |                |
| 15 skylight windows, frame and sash, at \$12.....  | 180     |                |
| 10 skylight frames, at \$15.....   | 150     |                |
| 20 skylight sash, at \$2.....  | 40      |                |
| 38 15-light windows, complete, at \$10.....  | 380     |                |
| 22 12-light windows, complete, at \$9.....   | 198     |                |
| 79 12-light window frames, at \$6.....   | 474     |                |
| 2 large double-door transoms, at \$35.....   | 70      |                |
| 2 rough doors and frames, at \$8.....  | 16      |                |
| 7 panel doors, locks, etc., complete, at \$15.....   | 105     |                |
| 14,000 feet flooring, \$5 per square.....  | 72      |                |
| 1 portico.....   | 25      |                |
| 12 squares joist (framing) engine room, at \$5.....  | 60      |                |
| 1 large gate at wall and 1 guard house outside.....  | 175     |                |
| 4 12-light windows at wash-house.....  | 25      |                |
| 5 squares framing joist, at wash-house.....  | 25      |                |
| 1 door, complete.....  | 12      |                |
| 32 bunks, for new sleeping room.....   | 192     |                |
| 17 squares open framing, at \$5.....   | 85      |                |
| 6 squares framing rafters at wash-house, at \$5.....   | 30      |                |
| 625 feet siding, new sleeping room.....  | 35      |                |
| 370 feet siding, up end.....   | 35      |                |
| 36 squares framing, on upper building, at \$5.....   | 180     |                |
| Furnishing work and materials on engine house.....   | 100     |                |
| 167 M shingles.....  | 835     |                |
| 112 anchors, at \$1.....   | 112     |                |
| Manufacturing 18 clay mills, at \$25.....  | 450     |                |
| Preparing ground for same.....   | 1,000   |                |
|  |         | <hr/> 7,728 00 |
| Total amount of improvements.....  |         | \$57,609 52    |

## Lumber used upon improvements and on hand—

|                                 |             |
|---------------------------------|-------------|
| Sheathing .....                 | feet 20,800 |
| Wall plates.....                | 1,450       |
| 232 rafters.....                | 8,120       |
| P. plates.....                  | 1,251       |
| 17 posts.....                   | 816         |
| 34 braces.....                  | 340         |
| 80 joist.....                   | 2,960       |
| Rafters for upper building..... | 6,417       |
| 50 collar beams.....            | 750         |
| 9 posts.....                    | 400         |

|                            |        |
|----------------------------|--------|
| Girders .....              | 512    |
| Ties .....                 | 424    |
| Flooring .....             | 1,500  |
| Siding .....               | 895    |
| Shedding.....              | 200    |
| Lumber on brick-kilns..... | 10,480 |
| Outside lumber.....        | 5,000  |

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feet 62,315

|  |             |
|--|-------------|
| 62,315 feet at \$30 per 1000.....        | \$18,694 50 |
| Amount of shingles, 112,000, at \$5..... | 560 00      |

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19,254 50

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Total.....\$76,864 12

In answer to question fourteen: Not having seen contracts, I can only answer that I have conversed with Messrs. Swain & Co, who would be glad to work fifty men, if they can get them for a few months at a low rate. Their contract with Estell was to take all the shoemakers at 50 cents per day, each, for the first three months; 75 cents, each, for the second three months; and \$1, each, for four years and six months thereafter.

Messrs. Green & Melvin will take from 100 to 200 men at 50 cents, each, per day for the first three months; 75 cents for the second three months, and \$1 50 per day, each, for four years and six months thereafter.

Messrs. Boyle & Keene, wagonmakers, will take 100 selected men at \$1 per day, each, for a term of years.

Mr. Clay, brick-manufacturer, will, I am credibly informed, take 100 men of those not selected for other purposes, until the 1st of January, 1858, at 50 cents per day, the men to be worked within the present Prison limits.

Signed,

E. H. POMEROY.

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SAN FRANCISCO, March 19th, 1857.

MESSRS. WATKINS, CLARK and PIERCE,

*Members of State Prison Committee.*

GENTLEMEN :

I have examined an estimate of cost of wharves built by J. M. Estell, at Point San Quentin, and set forth in exhibit number twelve, of E. H. Pomeroy's report; as also the wells and cost, and think the estimate is favorable to the State.

GEO. M. JOHNSON,

Supt. of Construction.

In reference to wells, I think the amount should read \$700.

GEO. M. JOHNSON.

I concur in the above.

J. M. NORTON,  
Capt. of Pike Co. (sloop.)

I look upon the value of the ways for ship use, as worth at least \$500.

S. P. KIMBALL,  
Ship Builder.

*San Francisco, March 19th, 1857.*





## MINORITY REPORT.

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The undersigned, one of said Committee, is constrained to dissent from so much of the Majority Report as charges the Lessee with \$35,000 proceeds of sales of brick.

The Majority, in stating the accounts of the Lessee with the State, charge him with this amount as though he had received it from the State, whereas the sum so charged to him was received from the sale of bricks manufactured by himself.

By the terms of his contract with the State, the Lessee was entitled absolutely to the labor of the convicts. These bricks were the product of that labor, and I cannot, therefore, perceive the grounds upon which he is charged with this sum.

In the remaining portion of that report I cheerfully concur.

ROBT. C. CLARK



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IN ASSEMBLY.]

[EIGHTH SESSION.

# REPORT

OF THE

COMMITTEE OF WAYS AND MEANS

UPON THE

STAMP ACT

AND

PASSENGER BROKER LICENSE ACT,

SUBMITTED MARCH 9TH, 1857.

JAMES ALLEN, STATE PRINTER.

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# REPORT.

*Mr. Speaker—*

The Committee of Ways and Means, to whom was referred Assembly Bills No. —, "An Act imposing certain Stamp Duties;" and No. 187, "An Act to provide for issuing Licenses to Passenger Brokers,"—having had the same under consideration, beg leave to submit the following Report:

The first great principle which should guide a State in the management of its finances, directs that a system should be adopted whereby the ordinary annual expenditures should not exceed the ordinary annual revenue; and any government carried on in practical contravention of this principle, is either defective in its organization or perverted in its administration.

Hence, when it is considered that since her existence as a State, California has been governed in systematic violation of the principle stated above, we can find no rational cause to be surprised at the humiliating position of our Treasury at present, however much of astonishment we may feel, that a system so radically defective should ever have been tolerated by any enlightened people.

The following table exhibits the annual expenditure, the annual revenue, and the annual deficit, in each fiscal year:

|                   | Expenditures.  | Revenue.       | Deficit.       |
|-------------------|----------------|----------------|----------------|
| First Year.....   | \$ 348,165 26  | \$ 3,166 27    | \$345,008 99   |
| Second Year.....  | 585,702 83     | 330,796 05     | 254,906 78     |
| Third Year.....   | 825,694 56     | 366,825 07     | 558,179 49     |
| Fourth Year.....  | 1,269,149 13   | 454,985 85     | 814,163 28     |
| Fifth Year.....   | 1,204,757 96   | 1,022,647 32   | 182,110 64     |
| Sixth Year.....   | 1,337,496 64   | 1,155,537 10   | 181,959 54     |
| Seventh Year..... | 1,368,684 81   | 723,289 83     | 645,394 98     |
|                   | <hr/>          | <hr/>          | <hr/>          |
|                   | \$7,039,651 19 | \$4,057,237 49 | \$2,982,413 70 |

The eighth fiscal year will not terminate until the first of July next, and hence no accurate amount can be stated; but it is believed that the deficit will be about half a million of dollars;—thus forming, during an existence of eight years, an aggregate deficit, in round figures, of three and a half millions of dollars.

Immense as this sum total is, it does not yet express the real discrepancy between the annual income and the annual expense. During these years we have derived immense sums of money from the sale of property belonging to the State, the proceeds of which were used to defray the ordinary expenses of government.

Thus in the fifth and sixth fiscal years, the sales of lots in San Francisco amounted to over six hundred and fifty thousand dollars, and altogether from other extraordinary sources, about a quarter of a million of dollars, forming thus an aggregate of nine hundred thousand dollars, which has been obtained from sources other than those of legitimate revenue, thus swelling the sum total of the difference between ordinary revenue and ordinary expenditure up to the 1st of July next, to the startling magnitude of four millions five hundred thousand dollars.

Your Committee, therefore, submit the following statement for the consideration of the Assembly, viz: That carrying into effect every reasonable proposition to reduce the expenditures of government, cutting off and trimming away every expense not absolutely necessary, and putting the appropriations made by this Legislature, and to be made by the next—over which, of course, we can exercise no control—at a figure lower than they have been for the last four fiscal years; yet a deficit of three hundred thousand dollars will exist at the expiration of the ninth fiscal year.

When it is considered that this deficit will exist although we withhold appropriations from every object of internal improvement, from every institution of charity, except the Insane Asylum, which humanity forbids us to abandon; and when for the purpose of reducing it to that figure, it is considered that we must necessarily disregard that provision of section 2 article 9 of the Constitution of our State, which declares that “the Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement,” it will readily be seen that the great objects of government are not realized and the great trusts delegated to the Legislative department not efficiently performed.

But it is not reasonable to suppose that we will be able to digest all the measures of reform and retrenchment that may be suggested, notwithstanding that we may ardently desire their passage and even put into action the most important ones; nor is it to be believed that both this and the succeeding Legislature will be inclined to altogether ignore the great interests of governmental improvement and amelioration which exist outside of appropriations for the pay of State Officers and for public printing, or for the support of the State Prison convicts, but that considering the pressing need in which every moral and material interest of the State finds itself, either we or our successors may be induced to depart from that circumscribed and restricted sphere, where we must necessarily remain, if we wish the deficit not to exceed the sum of three hundred thousand dollars; and if this should be so, how possible, nay, how probable, that that sum will exceed even a half million of dollars.

What then is to be done? We require for the absolute necessary expenses of government, an additional revenue of at least three hundred thousand dollars. We must have this additional revenue or we fail to provide ways and means for our government. We do an injustice to the people of the State by requiring them to submit to a system which violates in practice, common sense, and common honesty. Are we to shrink from the responsibility of raising more revenue because our constituents are unwilling to contribute what is necessary to establish an efficient government.

Your Committee believe that the generous people of this State will approve of any just law which is necessary for the protection of the honor of the State, or the efficient administration of its government.

Assuming it, therefore, as an admitted proposition that an additional revenue, equal to at least three hundred thousand dollars, must be provided, your

Committee will proceed to point out what property should, in their opinion, assume this necessary burden. The State is now paying upon the assessed value of its real and personal property, the sum of seventy cents on the hundred dollars, over and above the tax, far exceeding this sum, which is collected for county and municipal purposes.

It is suggested that our farmers are not altogether a prosperous class. Unpropitious skies for the last two years have denied them abundant supplies of water, while low and ruinous prices have ill-repaid their labor. The burdens that now rest upon them,—the difficulties that encompass them relative to the titles of their homesteads—the importance of fostering them, as the great element from which must ultimately proceed the permanent advancement of our State, forbid your Committee from asking an increase of taxation upon real estate.

For reasons equally cogent, it is deemed inexpedient to recommend an increase of taxation upon that class of personal property which is actually assessed in the various counties, because it is believed that it is now sufficiently burdened.

Under these circumstances, your Committee have been induced to direct their attention to the inquiry whether there is any property that escapes taxation, and the result of that investigation clearly establishes the fact that the most valuable and productive species of property in the State almost entirely escapes taxation.

It is well known that certain classes of property in San Francisco are heavily burdened with taxation; indeed, it may safely be said that the aggregate per cent. of taxes levied for State and municipal purposes, is so great as to seriously impair the value of real and personal property.

Under an accurate system adopted by the Assessor of San Francisco County, whereby the whole of the lands in the County is divided into block districts, which are also delineated on a general block map, not one inch of land or improvement escapes taxation, and hence we have the aggregate value of real estate assessed in that County returned as equal to \$26,173,284, which is believed to be a fair and just return.

But your Committee are constrained to report that the assessment of the personal property of that City is not at all satisfactory.

Beyond all question, San Francisco is the most magnificent and wealthy city upon the Pacific coast; splendid mansions are adorned with the richest furniture, sumptuous equipages, valuable plate and numberless jewels bespeak a general extravagance and a general wealth.

Her stores are filled with the most expensive goods, while her warehouses contain supplies for not only this State, but for the Territories of Washington, Oregon, and a portion of Mexico.

The Custom House statistics of the port of San Francisco furthermore exhibit the fact that there are owned in that port six hundred and twenty-seven vessels, of all classes, of an aggregate tonnage of 72,655 tons.

The whole aggregate value of personal property returned on the assessment roll of that County amounts to only \$4,184,970.

It would not be unreasonable to say that the whole of the furniture, horses and carriages, plate and jewels, goods and merchandise, owned by retail dealers, capital invested in manufactories and wharves, and the shipping, foreign and domestic, owned in that city, largely exceed \$5,000,000 in value, and these classes of property, being visible and apparent to the Assessor, are necessarily carried on the assessment roll.

If this be so, and it cannot be successfully controverted, then it will be perceived that the capital or money employed in banking, in purchasing gold dust, in loans and discounts, in insurance, in stocks and in wholesale merchandise, escapes, for the most part, every species of taxation except in the inconsiderable form of licenses.



When we look upon the immense cash capital needed in San Francisco to carry on the banking business of this coast—when we regard the great demand for money which has caused the surplus capital from the Atlantic States and from Europe to seek investment and occupation here, while at the same time constant additions were and are being made to our own domestic cash wealth by the rich harvest of our mines—we may form a faint idea of its gross amount.

The annual export of gold from this State, amounting to over fifty millions of dollars, is very nearly equal to one-quarter of the export trade of the whole Union. It is interesting and instructive to look into the causes which induce this export of gold. We are necessarily dependent upon older countries for the clothes we wear, for hardware, farming utensils, &c., for many of the provisions that we eat, such as pork, sugar, coffee, tea, &c., for our wines, and for the various luxuries which civilized life have almost made necessities. Without having sufficient data for accurately estimating the amount we pay for these imports, we are able to estimate very nearly exactly the bare cost of transporting them here.

The freight earned last year by steamers and vessels of all classes arriving in San Francisco from ports outside of the State, is upward of five millions of dollars.

This immense sum of money is principally owned by non-residents, and is collected by them in this State, and is remitted out of it in the form of bills of exchange, without contributing one cent towards the expenses of government.

The high rates of interest paid in this State many years ago, attracted millions of French, German and English capital here; nearly all of which is employed in loaning in the city of San Francisco, in connection with a large amount of domestic capital.

From the best data that can be procured, your Committee believe that there is over twenty-five millions of dollars employed in banking and loaning in all its various branches in San Francisco. This estimate is lower than that of many well informed parties.

In the deposition taken by your Committee of Jas. W. Stillman who has been Assessor of that county for the last three years, he estimates the amount of capital exclusively employed in loans, at thirty millions of dollars; and other information obtained by your Committee, induces the belief that their estimate is extremely moderate.

Nearly twenty millions of this amount may safely be estimated to be capital owned either in Europe or the Atlantic States. The profits of which are monthly remitted abroad.

Estimating those profits at two per cent. per month, we have a monthly shipment of four hundred thousand dollars, or an annual drain of four million eight hundred thousand dollars, not one cent of which contributes to support the government.

It was before remarked, that the Committee would be unable to accurately fix the amount of goods, wares, merchandise and provisions, annually imported into this State and sold for cash in San Francisco for general use.

The course of trade is this: the Atlantic or foreign merchant, upon his own account, freights a clipper with a cargo of general merchandise and consigns her to some Commission House in San Francisco; upon her arrival, the cargo is disposed of in San Francisco, the cash proceeds there received, and from thence sent to the shipper abroad in the form of foreign bills of exchange.

It would not be an extravagant estimate to say that nearly thirty millions of dollars annually take this course, and after being realized in this State, are sent abroad without paying one cent of taxes toward supporting the burdens of our Government.

The Legislature of 1854 endeavored to reach this immense amount of money, and make it contribute a just proportion toward defraying the expense of Government, by means of the tax on consigned goods. But that object has totally failed; as we discover by the returns of last year, that only fifteen thousand dollars were realized from that source.

Again, the amount of money that is paid and realized in San Francisco for the purchase of passenger tickets to places abroad, is immense, and cannot be less, annually, than two and a half millions, the whole of which escapes taxation.

Of this amount, it may be estimated that the Pacific Mail Steamship Company receive the monthly sum of \$150,000.

By a decision of the Federal Supreme Court, it appears that this State has no power to tax the steamships of this rich company. But your Committee was induced to inquire what amount of other personal property this company, receiving the protection of our laws and the benefits of our commerce, returned to the Assessor of San Francisco, and the answer was—not one cent.

No greater evidence can be presented, that the four millions returned as the value of the personal property of San Francisco, is incorrect, when it is considered that Sacramento returns \$3,600,000, or only about \$500,000 less than San Francisco.

The remarks that your Committee have made, concerning capital employed in banking and loaning in San Francisco, equally apply to other portions of the State.

It may be safely asserted, that in no county has the Assessor been able to discover the amount of capital employed by money lenders; and the instance of San Francisco is dwelt on, for the reason that this fact is so glaringly shown.

The way in which this immense amount of money escapes the Assessor is this: It is estimated that from twelve to fifteen millions of dollars are loaned in San Francisco upon personal securities, such as scrip, public bonds, invoices, warehouse receipts, endorsements, &c.; no record is made of this, and of course the Assessor can only know of the transaction through the parties interested in withholding from him knowledge; and hence this amount escapes taxation. Again, by the revenue law, a person is permitted to deduct from the amount of solvent debts due him, the amount which he himself may owe to third parties. Thus, one of the largest foreign firms of San Francisco, which loans over two millions of French capital, only returns \$30,000 personal property to the Assessor, and might allege as a reason, that they owe in France one million nine hundred and seventy thousand dollars, and thus this immense sum would legally escape taxation. Again, instead of taking mortgages on real estate, the money-lenders of San Francisco have adopted, for a great part, the plan of loaning their money on real estate and securing the same by a deed absolute on its face, conditioned simply to re-convey upon a certain sum of money being repaid; though in a court of equity there might be found no difficulty in construing instruments of that character to be mortgages, yet the Assessor is unable to distinguish, and hence large sums of money thus escape taxation.

As before stated, your Committee find that remarks upon the classes of personal property escaping taxation apply to nearly all the Counties in the State, and that San Francisco is only selected by way of illustration, as we have more positive data from there than any other place.

Your Committee concludes this portion of its report by saying that, in its opinion, after the most careful examination, it is believed that over sixty millions of personal property annually escape taxation, and that of this amount over forty millions are annually exported from and forever lost to the State.

Nor have previous Legislatures been uninformed in this matter. Many expedients have been resorted to for the purpose of enabling the State to obtain that

portion of her dues from property escaping taxation within her borders, which justice to other classes of property heavily taxed, demanded.

Ingenious license laws, taxes on consigned goods and on auction sales, have been enacted, and enacted in vain.

Now, we require over three hundred thousand dollars additional revenue to carry on our government, and we have sixty millions of property which escapes taxation, is it not just, is it not right, that we should impose this burthen upon this rich and untouched source of wealth?

It is considered that we have no other course of action, and that every sentiment of justice requires us so to act that the impositions of government may be equally distributed among those who equally receive its benefits.

It is the deliberate opinion of your Committee that the only way to reach this untaxed property is through stamp duties imposed on papers and instruments in writing.

It is admitted that there is a great prejudice amongst Americans against the name of a stamp act, growing out of the reminiscences of our colonial connection with Great Britain, but an examination into the principles upon which a stamp act is based will show this to be a mere prejudice, nothing more.

The first stamp act ever passed, of which we have any account, owes its existence to the patriotic invention of the Dutch provinces struggling for independence against the Spanish crown.

Great Britain has for a long period taxed her own subjects, is now, or at least was lately, deriving a revenue of about \$30,000,000 annually from her stamp duties, and it is not reasonable to suppose that, if the justice of the tax were not apparent, the commercial, banking, and mercantile classes of that rich country would submit to it.

It is true that our fathers opposed the imposition of a stamp duty whilst yet colonies, but the ground of their resistance was, not the injustice and inequality of the tax, but the assertion of the great principle that taxation and representation should go together.

The English Parliament recognizing somewhat the justice of this opposition, repealed this stamp act many years anterior to the revolution. But no greater proof can be found that our revolutionary fathers did not look upon a stamp act as anti-republican or unjust, than the fact that in 1797, and again in 1813, the Federal Congress passed stamp acts, from the provisions of which most of the sections of the one proposed are borrowed; and yet in those years, when the Fathers of the Republic were still in their vigor, we hear of no opposition to this class of taxation, as unfit to be submitted to by a free people.

In 1844, the State of Maryland was borne down and oppressed by the heaviest rates of taxation, and yet her revenue was inadequate to meet her expenses, and to pay the interest on her public debt. In this emergency a stamp act was imposed and her treasury became full to overflowing. Her debt is now in the rapid process of liquidation, and the last report of her financial affairs exhibits a cash balance of over six hundred thousand dollars in the treasury. As this tax drew revenue from that source most able to bear it, not only on account of the species of property taxed being eminently productive, but also because it comparatively escaped taxation otherwise, it was cheerfully and readily paid.

We have never heard that the commerce of that State was in any way injuriously affected, or that her citizens considered themselves as outraged by unequal and unjust taxation.

It is believed that, with the exception of our own country, there is scarcely any civilized government that does not derive immense revenues from stamp duties.

It cannot be denied that the operation of this tax is eminently just. Let us

illustrate its working : An inhabitant of this State possesses in his safe a million dollars ; while there it is unproductive ; nay, on the contrary, exposes him to expense and anxiety in guarding it. He loans it out ; it becomes of increased value, and produces him an income ; his only security is a piece of paper upon which is written his contract. If he be not able to enforce his contract, if he have no confidence in his power of requiring his debtor to comply with that which is written upon what was before a valueless paper, and has now become the equivalent of his fortune, he would still have kept his money locked up and unproductive. The State, with all its machinery of government, with its judicial and executive officers, with its system and code of laws, stands by, ready to protect and enforce this contract. To do this, every power the government possesses will be exercised, and even if its civil power be exhausted, it then pledges its military force to make good and guarantee this contract.

It is the knowledge of this willingness on the part of the State—it is the fact of the facility with which the creditor may use all the appliances of the government to protect himself, that enables him to thus make his barren capital alike productive and alike secure. Is it not right, is it not just that he should contribute something toward the support of that government which thus protects him and makes his capital available ? If he objects to the payment of the duty, let him still guard his money locked up, and he will escape it ; but if he wish to enjoy the benefits, let him submit to the burdens of government. And this holds good of every other transaction where rights are secured by written contracts.

Again, the Stamp Act is no tax upon labor, but simply affects capital. Take the case of the farmer, the miner, or the daily laborer. What dealings has he with paper ? He pursues his allotted labor, obtains and expends its fruits without being touched by this tax.

Sad experience has demonstrated to us the evils accruing from an extensive credit system. We have seen terrible revulsions following great prosperity.

We should, as Legislators, discourage this fallacious system, and it is submitted that this Stamp Act, by taxing the instruments of credit, aims a direct blow at the credit system itself, and will possess a powerful influence to reduce things to a cash basis.

The proposed Stamp Act will not affect, indiscriminately, all the instruments used in ordinary business. The principle upon which the duty is imposed, is this: to tax an instrument or writing by means whereof capital is rendered productive. Thus, the capital employed in foreign bills of exchange is productive, by reason of the exchange ; or in a policy of insurance, by reason of the premium ; or in a promissory note, by reason either of the interest caused or the credit granted ; but, as on a bare deposit of money, for safe keeping merely, no interest or profits accrue, it has been deemed proper to exempt certificates of deposit, payable on demand, and sight checks, from the Stamp duties. Nor was it considered convenient to impose a duty on all the thousand little due bills and promissory notes under fifty dollars, which the laboring man so frequently needs for the securing or advancement of the fruits of his industry, and hence, they also have been exempted.

Your Committee have in some important particulars amended the original Act, particularly in providing that but one Stamp shall be impressed, and that the work of impressing that Stamp, shall be let out by contract.

Your Committee would therefore report back the Stamp Act, as amended, and the Passenger Broker License Act, and respectfully recommend the passage of both.

**J. LANCASTER BRENT,**  
Chairman of Committee on Ways and Means.







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IN ASSEMBLY.]

[EIGHTH SESSION.

# REPORT

OF THE

## COMMITTEE ON AGRICULTURE,

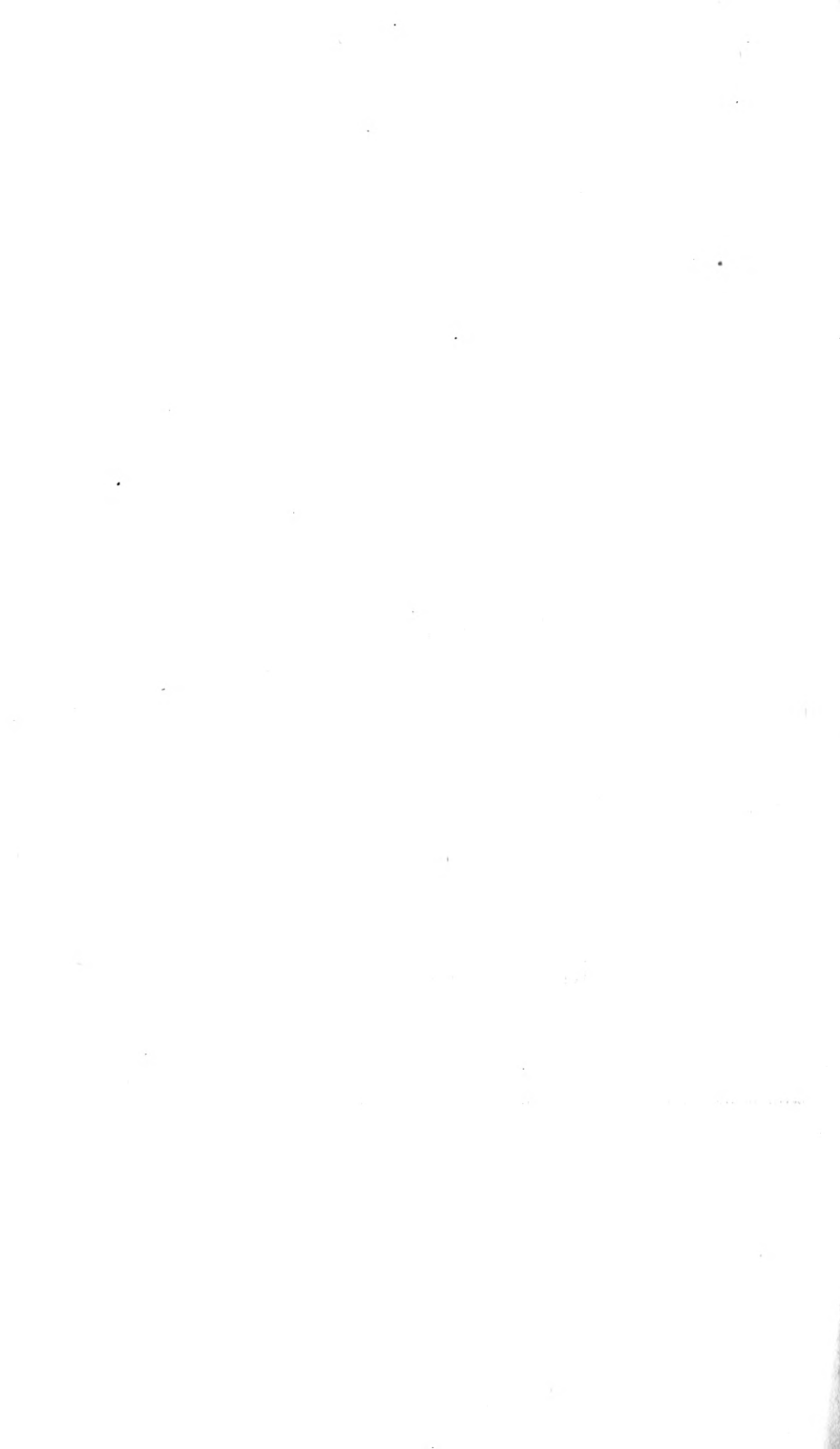
TO WHOM WAS REFERRED THE JOINT RESOLUTIONS RELATIVE TO

### AGRICULTURAL AFFAIRS.

JAMES ALLEN, STATE PRINTER.

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JOINT RESOLUTIONS RELATIVE TO AGRICULTURAL AFFAIRS.

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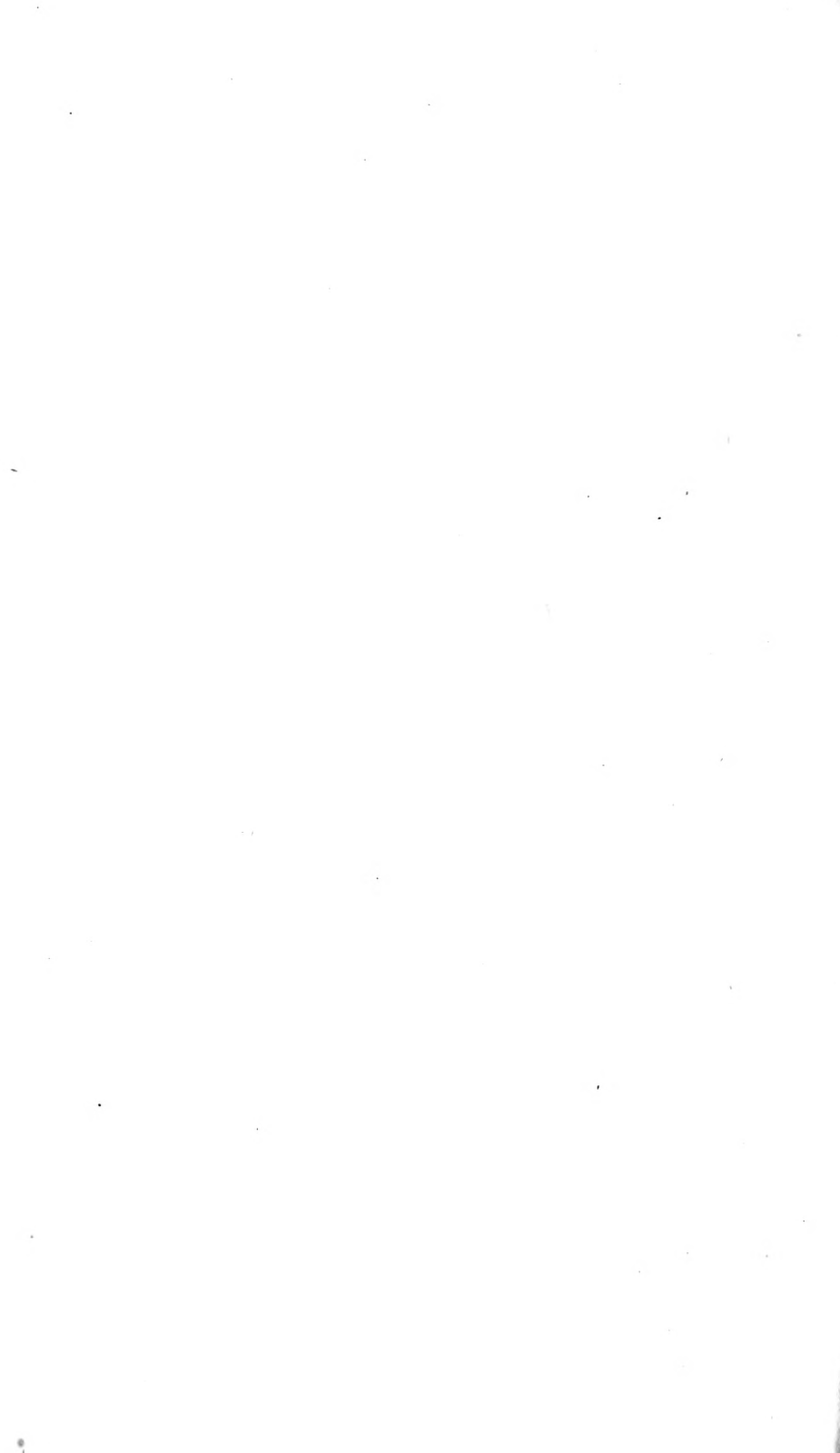
*Whereas*, The experience of the past few years has established the fact that the Agricultural interests of California are rapidly advancing to that pre-eminent importance which by settling our land with a permanent population and relieving us from dependence upon foreign supplies, tends to secure the highest degree of prosperity to the State, and justly entitles that branch of industry to such aid and encouragement as may be legitimately afforded by the government.

*And, Whereas*, The variety of our soil and climate, together with the unequalled fertility of our valley lands, peculiarly adapt California to the successful production of nearly all the necessaries and luxuries belonging to the vegetable kingdom which enter into the wants of civilized life.

*And, Whereas*, The signs of the times indicate that the day is not far distant, when we shall have an ample, safe and speedy transit opened through our own territory, in the construction of the Pacific Railroad, to convey the surplus products of our generous soil to the markets of the East. It therefore becomes a matter of national concern that the Agricultural interests of California should receive all the facilities and fostering support in the power of the government, to aid in developing its varied capabilities and unlimited resources; and believing that the establishment of an Agricultural Department at Washington and an Agricultural College in California, would eminently promote the development of this great interest throughout this State and the whole Union, by collecting and disseminating material and information for the general diffusion of such knowledge as tends to promote this fundamental and most important industrial pursuit, therefore,

*Resolved by the Senate and Assembly of the State of California*, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to procure the establishment of an Agricultural Department at Washington, exclusively devoted to the interests of Agriculture, and that they endeavor to procure a donation to the State of California of one hundred thousand acres of public land for the endowment of an Agricultural College.

*Resolved*, That his Excellency the Governor be requested to transmit a copy of the above preamble and resolutions to our Senators and Representatives in Congress.



# REPORT.

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*Mr. Speaker :*

The Committee on Agriculture, to whom was referred the Joint Resolutions relative to Agricultural Affairs, have had the same under consideration, and have instructed me to submit the following Report:

This branch of national industry, which now employs more than three-fourths of the labor and capital of the country, and which has within our present territorial limits a scope of ten hundred million acres of land whereupon to expand and develop its immense capabilities, has been considered a proper subject for the care and encouragement of our Government since its foundation.

Presidents Washington and Jefferson, and nearly all the Chief Magistrates who have succeeded them in the performance of a constitutional duty, in their Annual Messages recommended to Congress the true policy of enlightened legislators, by suggesting the propriety of legislative action to aid in the improvement and development of agricultural pursuits.

The "Father of our Country," himself a practical farmer, saw the vast benefits which would result from the adoption of this policy, not only to the people engaged in these pursuits, but from the fact that they compose the substratum upon which all other pursuits are mainly based, that the advantages would be equally distributed to all classes of citizens.

The "Sage of Monticello," one of the great founders of our political system, whom we regard as good authority upon all questions of political economy, was equally impressed with the necessity of promoting upon scientific principles the advancement of this pursuit. Had the advice of these great statesmen received due consideration and action by the legislators of former days, the waste fields and deteriorated lands of the older States would not now bear witness to the actual loss of national wealth which may, in a great measure, be attributed to the indifference and disregard of these wise recommendations.

But while all other interests have been cared for, this, the greatest of all interests, has, until within the last few years, been strangely neglected.

This indifference arose, perhaps, from two reasons: One was the great quantity of new lands without inhabitants, and open for occupation to the emigrant dissatisfied with the condition of his ill cultivated and impoverished fields; the other, a mistaken belief that this class of legislation conferred its benefits exclusively upon a particular class of citizens, and did not come properly within the legitimate duties of Government.

As our "Star of Empire" can make its way no further westward on this continent, and on the East, mountains and deserts intervene to separate us from the (to us) miscalled Western States, we are thereby admonished of the importance of preserving, undiminished, our Agricultural resources.

By timely legislation in procuring reliable statistical information, and by acquainting ourselves with the character of our soil by the aid of science, we may do much to avert the exhaustion of the essential elements of the husbandman's product contained in the soil of our now fertile valleys. Everything we do to awaken attention to this subject, even though the instruments are cheap compared with the objects sought to be obtained, may confer lasting benefits upon the future condition of the State. The excess of production in this State, in the year 1853, of one article alone, which wasted without a market or consumption, was, by loss of labor, and by extracting from the soil the elements which constitute vegetable production, destructive of as much wealth as one of the great fires of San Francisco; and this resulted from the want of a little useful information.

One great want in this State is Agricultural statistics in a reliable official shape, placed before the people in due season, showing annually the quantity of each article produced, as well as other information which is not necessary to detail here. The value of these statistics in the instance above stated, is best known to the Agriculturist and the regular dealer in his products, but the benefits extend equally to all—the effect produced would be to relieve the miner, the merchant and the mechanic, as well as the farmer, to some extent, from the support of the intermediate class of speculators who flourish on the derangement and fluctuations of trade.

Your Committee will not extend this report by enumerating the many advantages which would result from the establishment of a Department at Washington exclusively devoted to Agricultural interests; they are mostly such as cannot be effectually obtained by individual effort and private enterprise; concert of action between the National and State Government, would, by enlightened legislation, produce all the desired beneficial results. Congressional Committees of the last Congress have recommended the measure proposed in the resolution. The increasing wealth and population of our country, as a matter of course, effects a corresponding increase in the business of the Executive Departments at Washington. Hence the Secretary of the Interior in his last annual report says: "When the legitimate objects of the different departments are duly considered, it would seem that a reorganization of the whole had become necessary."

The following further extract from his report, will show some facts bearing upon this subject. He says:

"In addition to the business of the Patent Office proper, there has been devolved upon the Commissioner of Patents, the supervision of the National Gallery and the direction of the fund annually appropriated for Agricultural purposes. The former of these duties is comparatively of small moment; the latter of great and increasing importance. There seems no national or immediate connection between the legitimate business of the Patent Office and the subject of Agriculture, except in their mutual relations to the industrial pursuits of the people. But the revenues of the office being somewhat in excess in 1839, the Commissioner of Patents was authorized to apply \$1,000 for the purpose of procuring Agricultural statistics. These were increased from time to time, until they reached the sum of \$5,000, when they remained nearly stationary for several years. In 1854, the appropriation was increased to \$35,000, and made payable out of the Treasury; and the appropriation of the present year (1855) has been increased to \$105,000."

From these facts, we see that the advancement of Agricultural interests as a science, and aided by a national system for its promotion, is rapidly growing in

favor with the people; and at the reorganization of the Departments at Washington, which must necessarily soon take place, this subject will occupy a prominent position, and receive more attention than has hitherto been awarded to it.

The Commissioner of Patents is presumed to be a person distinguished for his qualifications to investigate and determine questions relating to Mechanical Art and Science. Therefore it is clear that the supervision of the Agricultural Bureau is misplaced.

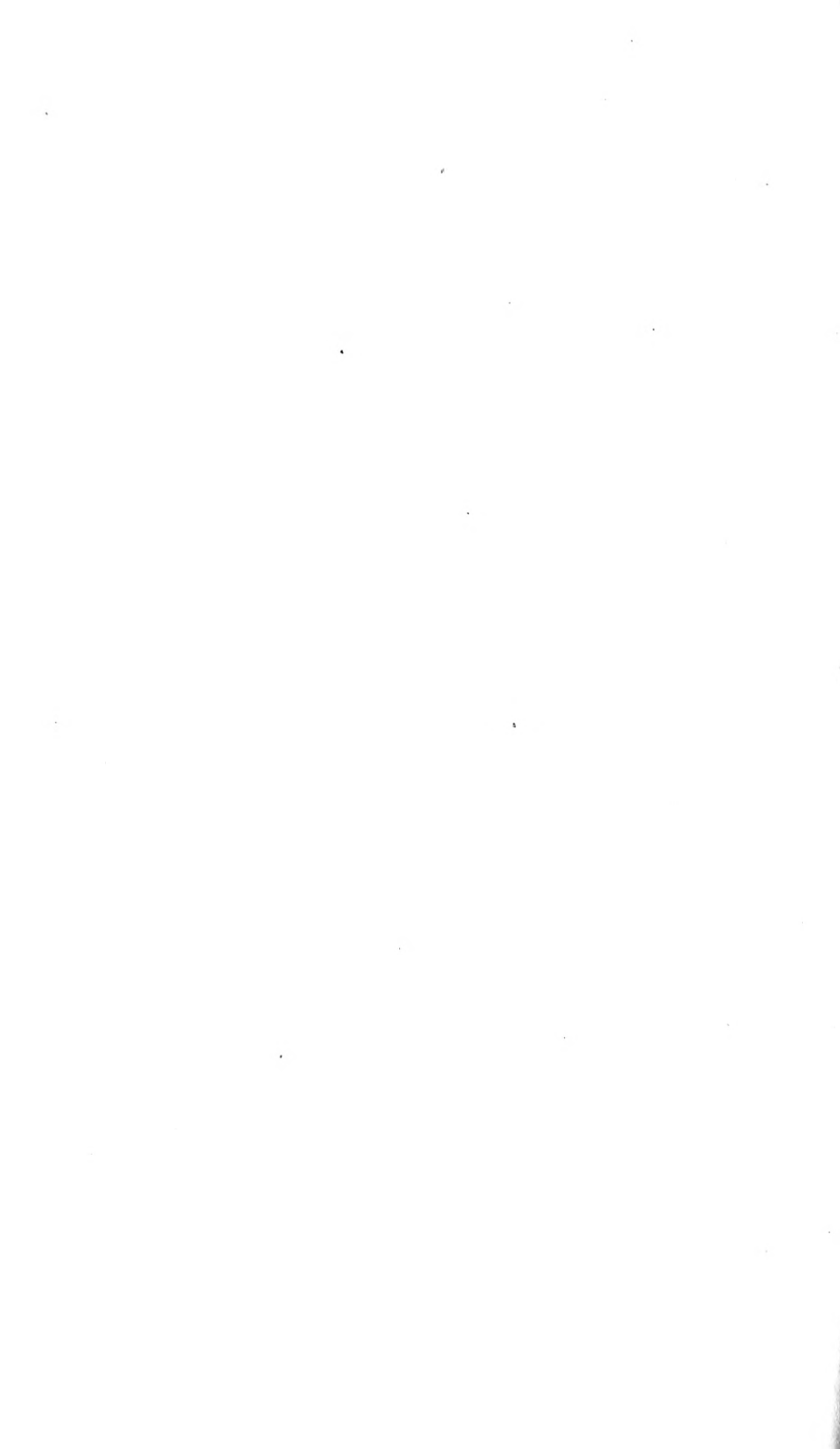
In view of the above facts, your Committee approve the first proposition contained in the resolution, which recommends the establishment of a Department at Washington, exclusively devoted to the interests of Agriculture. In regard to the second proposition, asking for a donation of 100,000 acres of land for the endowment of an Agricultural College, to be established in California, your Committee will only say, that donations of land for similar purposes have been granted by Congress to other States; and as an auxiliary to the National Institution, which promises soon to be established, from our peculiarly favorable situation to collect and test improvements in rural science and introduce the cultivation of products now foreign to our country, an Agricultural College would probably be the means of conferring great and lasting benefits upon the State. The collection and increase of knowledge in this, as well as in all other departments of science, is much facilitated in this State, from the attraction hither and intermingling of people from all parts of the civilized world.

One great obstacle to the successful introduction of improvements in Agriculture, as a science, in other States, has been the predisposition of the rural population to follow in the footsteps of their predecessors and to oppose innovation without first making an unprejudiced investigation. But here everything is new, and experiment and investigation are the order of the day. Here, our genial clime has stripped the agricultural pursuits of the hardships and privations which are incident to them in regions where extremes of heat and cold prevail. Here, the life of the practical farmer is made easy and agreeable by the equable nature of our climate and the fertility of our soil.

What we want, is, a general diffusion throughout our State and the whole Union of knowledge relating to the agricultural interest of California. Then, increased immigration would come, to stimulate all branches of industry and distribute itself over our broad domain. Then, thousands of young men now here, who, not being accustomed to laborious pursuits, shrink from the toils of the hardy miner, and who see imaginary hardships in the life of the farmer, would, if properly informed, turn their attention to agricultural pursuits, cease to be a burden to themselves and society, and become useful citizens to the State. Then, the miner, the merchant, the mechanic, and the professional man, would not repair to other lands to enjoy the fruits of his well-earned treasure, but would remain, to enrich and beautify the land of his adoption. Then, our valleys and hillsides would smile with neat cottages, blooming orchards and happy homes, and then society would be purified, the haunts of dissipation would be deserted, order would come out of chaos, and every man might live in security, under his own vine and fig-tree.

Your Committee believe that this is the true object of legislation, and that an Agricultural College established in this State, would have a tendency to promote the realization of these and many other valuable results; therefore, your Committee approves of the second proposition, and recommends the passage of the joint resolution.

BENJAMIN H. MILES,  
Chairman of Committee on Agriculture.



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IN ASSEMBLY.]

[EIGHTH SESSION.

REPORT

OF THE

COMMITTEE ON FEDERAL RELATIONS,

ON THE

PACIFIC AND ATLANTIC RAILROAD,

FEBRUARY 15TH, 1857.

JAMES ALLEN, STATE PRINTER.

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# REPORT.

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In the Assembly, Feb. 15th, 1857, Mr. O'Neil made the following report :

**MR. SPEAKER :**

The Committee on Federal Relations to whom was referred Assembly Joint Resolutions No. 4, in relation to a Pacific Railroad, have had the same under consideration, and direct me to report the same back to the House and recommend their passage.

In returning the resolutions to the Assembly, the Committee respectfully submit that they can but deem it a duty of the Legislature to render no act of the session more positive than one to instruct our Senators, and request our Representatives, to be earnest and indefatigable in urging the necessity and policy of extending aid for the construction of a railway to the Pacific.

In whatever light we may view this measure, it is impossible to question its importance. The results of its consummation are not to be estimated, except in the grandest and most general sense. None can charge that the citizens of California are unanimous in asking for the commencement and completion of a work of such magnitude, because of any exclusive benefit anticipated; but all readily agree that the project embraces advantages which belong to the confederacy, and to the world's commerce. It is a matter in which each species of enterprise and progress is interested beyond even a wise ability to calculate.

It seems that a more auspicious period could not arrive for devising energetic means, whereby an unrivalled improvement may be accomplished, than now. The country is in the best attitude of peace, the national finances are in a condition admitting of no complaint, increase of revenue and expansion of power are its first features, and the genius of the people aims at mighty and wonderful successes, in departments of solid utility.

A new administration will soon reveal its policy, and it is not to be doubted but what it wisely and liberally intends to join and assist advancement rather than retard an onward tendency. Without presuming to offer suggestions, may we not confidently indulge in the opinion that those measures which manifestly promise profit to the country at large, will meet with a degree of encouragement surpassing the past and the present.

We cannot, then, perceive what hindrance exists to a plan by the General Government, that shall extend immediate constitutional assistance toward building a railroad from the Mississippi Valley to some point within the State of California. It is not asked that Congress make the work strictly a govern-

mental undertaking, but the bestowal of prompt and liberal aid, either in the shape of money or land, is required to insure, expeditiously the consummation of such a gigantic scheme, which, in its illimitable grandeur, will remain one of the noblest of all the ages.

In looking abroad over the Republic, the citizen beholds with pleasurable emotions its vastness, and contemplates with profound admiration its capacity for every superior triumph in the golden fields of enlightenment, and views with patriotic pride the institutions that strengthen the Union; but he is not made insensible to what should be, by seeing what is and has been. He knows that every commercial step forward extends the area of States—adds to our resources and improves the condition of industrial pursuits, wherein lies the process of universal prosperity. Who is unwilling to advocate a measure which offers what must inevitably result in benefit to himself while it promotes the general welfare? This is an interrogatory propounded by every resident of the Pacific coast, and as a reciprocal response comes from the masses throughout the nation; will statesmen delay action and thus impede a realization of our greatest hope? The proposition to build a railroad to this coast has long been a leading point of public discussion. The considerations which should induce its adoption have been stated in every quarter, and appeals have been earnestly made to Congress.

The people of California have repeatedly endeavored in every just, reasonable and respectful manner, to impress upon the General Government the necessity and importance of an enterprise which will not only enhance every interest of a commonwealth stored full of incomparable resources, but has in view the almost immediate benefit of our entire national domain, and a direct tendency towards an increase of revenue.

It has been shown that a new and prolific commerce with the richest countries will follow; that the vast unoccupied space lying between the Mississippi valley and the confines of California, will secure every facility for becoming populous and flourishing States, and that enormous postal expenditure now required by our isolation, will be lessened to a degree of itself to demand a new line of policy and a favorable consideration of the Railroad project.

The claims of California, though often set forth in plain facts and indisputable mathematical deductions, never cease to possess an unmistakable force connected, as they are, with the remoteness of our situation, and the multitude of inconveniences and social trials which are begetting instability and discontent among our people. All have become separated from the cherished associations of earlier homes, and we seem to be beyond the boundaries and influence of the Union in whose expanding glories we have a pride not less than our patriotic devotion to the Constitution and every principle and institution which adorn the confederacy.

We are not wont to be boastful, but maintain that California has advanced prosperity in every portion of the country and contributed munificently to the treasuries of the world; and that within her soil are yet hundreds of millions ready to be gathered, and to float away, enriching others, not ourselves. Her inexhaustible mines of gold must continue to attract mankind, but will not serve to check our growing misfortunes until we are more nearly allied by a grand highway to States which are now only our distant kindred.

We need but the one true means of communication and our future will be secure, while in bringing about this wise achievement of progress, the General Government, will through any aid it may lend, be providing for the "common defense" and the "general welfare."

**JAMES O'NEILL,**

**Chairman.**

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IN ASSEMBLY.]

[EIGHTH SESSION.

COMMUNICATION

OF THE

SURVEYOR GENERAL,

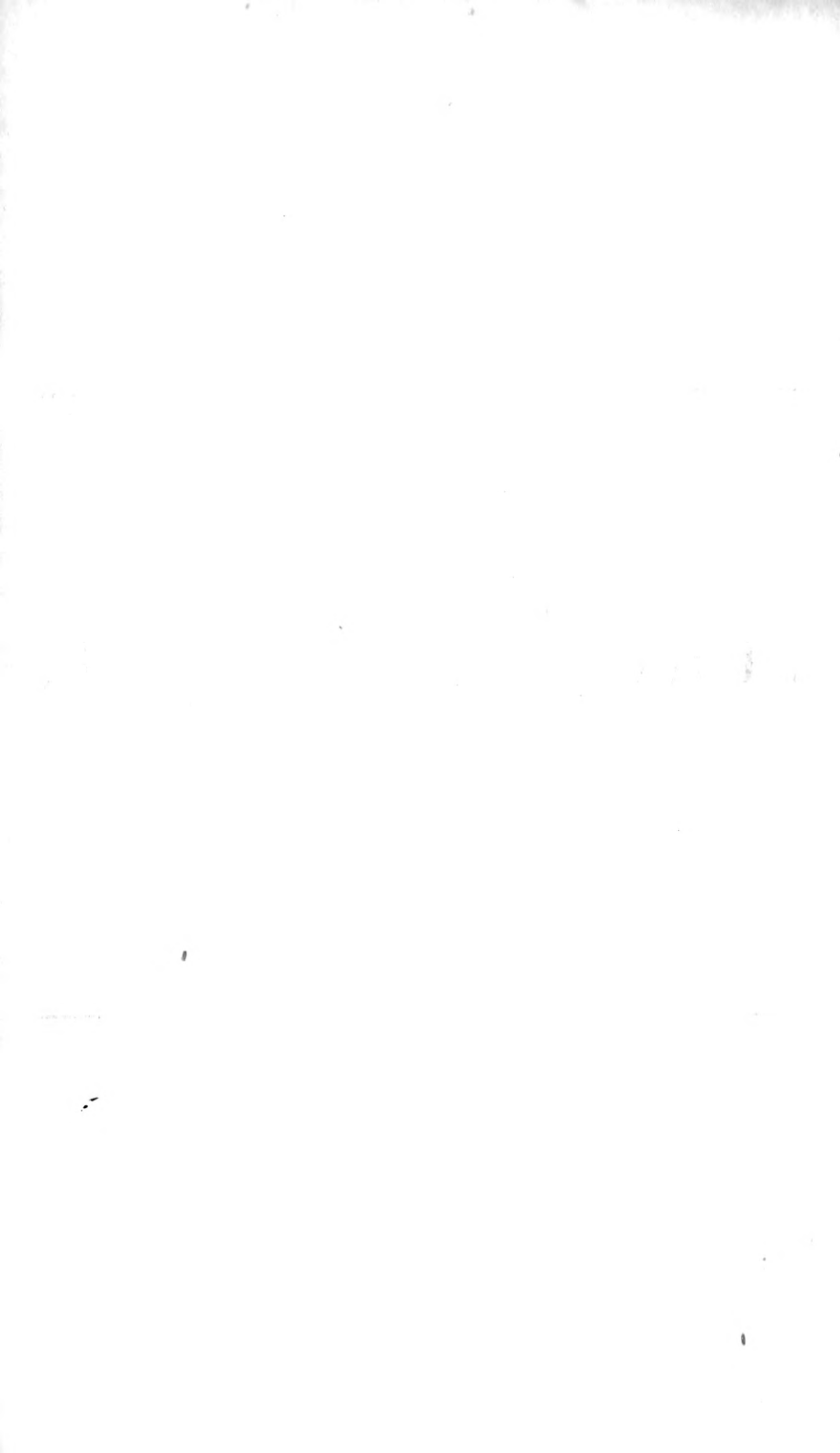
TO THE ASSEMBLY, RELATIVE TO

SWAMP AND OVERFLOWED LANDS,

FEBRUARY 19, 1857.

[JAMES ALLEN, STATE PRINTER.

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## COMMUNICATION.

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STATE OF CALIFORNIA, SURVEYOR GENERAL'S OFFICE, }  
Sacramento, Feb. 19th, 1857. }

HON. E. F. BEATTY,

Speaker of the Assembly:

SIR—

The Assembly Resolution passed yesterday, calling on the Surveyor General for all the information in his possession in relation to the survey, segregation, plats, &c., of all the swamp and overflowed lands within this State, is just received.

It is impossible for any one in the State, in the present condition of the surveys, to give definite information of more than small and separate tracts. The surveys made under the swamp land Act, are ordered by this office in accordance with the general system of the United States public land surveys, but in most instances, no lines of segregation or of subdivision having been determined by the officer of the general government, the surveys are made in the original for the individual locator, following what will be the lines of the United States Surveys, if ever made. In some cases, where there is a marked line of distinction between high and arable land, and tule swamps, or bodies of water, the township and other lines have been drawn. Yet even these have in various instances been the subject of dispute as to their determination of the true lines of separation between the land meant to be donated by Congress and the United States public domain. There are in possession of this office, four hundred and twenty-seven United States township plats, which were procured from the United States Surveyor General under the Act to provide for the selection of lands donated for public schools and public buildings. But a few of these show any lines of segregation, the great body of the land being returned as dry. Although in many of the surveys returned to this office and approved by me, the lands are clearly proven to be swamp and overflowed in the meaning of the Act, by incontestable evidence, yet returned as dry by the United States Surveyor. The

State authorities are instructed to advance, and the United States officer to receive, evidence of the true character of the land, to correct such errors. To insure full information, I have called on the Surveyors to make me full reports of the lands in their several counties, but having no controlling power to enforce the demand, the information has not been obtained.

The United States plats are good as far as they go, but the small appropriations for this office, have prevented the obtaining of more; and they afford but partial knowledge.

During the year 1855, there were located under the Act 124 surveys in five counties for 30,198 60-100 acres; and in the year 1856, 708 surveys in sixteen counties for 146,279 38-100 acres. Besides a preliminary survey of 17,500 acres in Sacramento county, and a survey not yet returned of 32,000 acres in San Joaquin county, with 5,000 acres of informal returns, make a total of 227,000 acres surveyed. In reference to the state of the lands, the kind of testimony required by this office as to their character, the necessity for their segregation, &c., I refer the Assembly to my annual report for 1856, in the articles on "Swamp and Overflowed Lands," and their "Reclamation," in the article on "Internal Improvements," and to the "Instructions" to Surveyors for the survey of these lands, issued by me under the Act, a copy of which, is herewith enclosed.

Your obedient servant,

JOHN A. BREWSTER,

Surveyor General.

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IN ASSEMBLY.]

[EIGHTH SESSION.

REPORT OF THE COMMITTEE  
ON  
ACCOUNTS & EXPENDITURES

SUBMITTED, MARCH 4TH, 1857.

JAMES ALLEN, STATE PRINTER.

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# REPORT.

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The Committee on Accounts and Expenditures having proceeded in the further execution of the duties required of them, have directed me to report that they have, with the assistance of an accountant, examined the accounts and posted up the books of the late State Treasurer to the date of his resignation, and the result of that examination shows the amount of his receipts as per his Cash Book from the 1st of January to the 11th of February, 1857, to have been \$170,297 17, to which if we add the balance on hand January 5th, 1857, of \$202,605 28, we have the sum of

|   |              |
|---|--------------|
| Receipts and balance as per Cash Book.....  | \$372,902 45 |
| To which add receipts from January 8th to February 11th, as per<br>Controller's orders, and not entered in the books..... | 90,445 60    |
| Add also School Fund, Land Warrant.....   | 4,480 00     |
| and certificate of balance.....   | 232 31       |

|  |              |
|--|--------------|
| And we have of balance on hand, and received from January 1st<br>to February 11th, the sum of..... | \$468,060 36 |
|--|--------------|

There was disbursed during the same period as per  
Cash Book of late Treasurer, the sum of.....\$242,726 80

Paid from January 13th to February 10th, and not  
entered on the books, but from vouchers found  
in the office, viz :

|  |           |
|--|-----------|
| From the General Fund.....                     | 84,034 57 |
| From the School Fund.....                      | 10,273 92 |
| From the Military Fund.....                    | 1,498 75  |
| Warrants Redeemed paid by County Treasurers... | 14,765 40 |
| School Land Warrants issued.....               | 4,712 31  |

|  |              |
|--|--------------|
| Making total disbursements from January 1st to Feb-<br>ruary 11th, date of late Treasurer's resignation, | \$358,011 75 |
|--|--------------|

|  |              |
|--|--------------|
| This amount being deducted from the receipts as above, leaves a<br>balance of..... | \$110,048 61 |
|--|--------------|

which ought to have been in the Treasury on the day of the resignation of the late Treasurer. But by a careful count on that day of the money then in the vaults of the Treasury, the Committee found only the sum of \$75,888 25, as heretofore reported. This sum has, however, been increased by twenty dollars, since found in a bag in the vault supposed to have been empty. The actual balance, therefore, in the Treasury on the day of the late Treasurer's resignation was \$75,908 25, showing a deficiency since the 1st of January, unaccounted for, of \$34,140 31.

The Committee regret to state that the two bags of gold dust reported heretofore as containing \$9,230 45, and alleged by the late Treasurer to have been sent to the mint for coinage, were found upon investigation to have been delivered, as per their receipt, to Messrs. Wells, Fargo & Co., on January 31st, 1857, and \$9,000 advanced thereon to the late Treasurer the same day, which latter sum is probably the full value of the gold dust, and it may therefore be considered an entire loss to the Treasury.

The Committee, in the process of their investigations, have discovered that the following counties are delinquent in their payments into the State Treasury, having failed to make the settlements required by law with the Controller of State, *viz* :

|            |             |            |
|------------|-------------|------------|
| Calaveras, | Colusi,     | Humboldt,  |
| Klamath,   | Sonoma,     | San Mateo, |
| Sierra,    | Stanislaus, | Trinity.   |

It will be difficult to make cash payments at the Treasury and continue the same for any length of time unless the County Treasurers are held to a strict accountability, and more promptitude in their payments. To ensure this desirable end it would seem advisable that the laws in relation to the collection and payment of the State's taxes into the State Treasury should be so amended as to make them more stringent by additional penalties in the event of a failure to comply with the requirements of law. This in the opinion of your Committee would not only secure greater fidelity in the collection and payment of the public revenues, but would insure more efficiency and economy in the Controller and Treasurer's department.

The Committee having directed the keys of the vault of the Treasury, together with the money remaining on hand in the Treasury on the day of the late Treasurer's resignation, to be delivered the present Treasurer, it was accordingly done on the 24th ult., and his receipt herewith appended, will show that there was placed in his hands the sum of \$75,908 25, *viz* :

|                                    |             |
|------------------------------------|-------------|
| From the General Fund.....         | \$ 2,550 76 |
| " Interest Fund of 1851.....       | 42,814 63   |
| " " " 1852.....                    | 2,025 17    |
| " " " 1855.....                    | 934 69      |
| " " " 1856.....                    | 1,557 82    |
| " State Interest Fund.....         | 4,653 50    |
| " Hospital Fund.....               | 9,318 18    |
| " Insane Asylum Fund.....          | 106 72      |
| " School Fund.....                 | 1,085 22    |
| " Sinking Fund of 1851.....        | 7,719 61    |
| " Library Fund.....                | 746 06      |
| " Estates of deceased persons..... | 89 09       |
| " State Property Fund.....         | 26 81       |
| " Military Fund.....               | 2,279 99    |

**\$75,908 25**

The above amount has thus been distributed among the several funds as correctly as the means at the command of the committee would enable them to make. If upon a final settlement of the accounts and books of the late Treasurer, any error in this connection should be discovered, it can easily be corrected.

The Committee have also directed me to report that on the 28th ult., there was in the Treasury the sum of \$92,807 80, which sum was made up by the addition of the amount of money received by the present Treasurer since he took possession of the office, to the amount of money left in the vault by the late Treasurer, which with prompt payments by the delinquent County Treasurers, and the ordinary monthly receipts into the Treasury will, it is believed, enable the present Treasurer to maintain cash payments.

In conclusion, upon the review of all the circumstances attending the administration of the Treasury department by the late Treasurer, the Committee would respectfully suggest the propriety of taking immediate action by instituting suits on the bond of the late Treasurer, not only for the sum of \$124,000, illegally abstracted by him from the Treasury, and deposited with the Pacific Express Company, but for the further sum of \$34,140 31, the default made manifest by the recent examination of the accounts and books of his office since the 1st of January last. Accompanying this report is a statement from the Treasurer of the condition of the Treasury on the close of the day of the 28th ult., to which the committee would respectfully call the attention of the Assembly, as furnishing by its beauty, simplicity and perspicuity, satisfactory evidence of the future correct administration of the Treasury department by the present incumbent.

Your Committee are now engaged in the examination of the accounts and books of the late Treasurer, prior to January 1st, 1857, and will report from time to time the result of the examination.

JOSEPH S. WATKINS,

Chairman of Committee on Accounts and Expenditures.

MARCH 4, 1857.

*Operations of State Treasury from February 20 to February 28, 1857.*

RECEIPTS.

| 1857         | From what source.                            | Amount received. |
|--------------|--|------------------|
| February 20, | W. S. Dean, Treasurer of Plumas county.....  | \$ 8,930 29      |
| " 21,        | John Webber, Treasurer of Nevada county..... | 13,542 69        |
| " 26,        | Henry Bates, late State Treasurer.....       | 75,908 25        |
| " 27,        | D. F. Douglass, Secretary of State.....      | 200 00           |
|              |  | <hr/>            |
|              |  | \$98,581 23      |

*Balance to credit of various Funds.*

|                                    |             |
|------------------------------------|-------------|
| By General Fund.....               | \$12,508 94 |
| By Interest Tax Fund of 1851.....  | 43,522 85   |
| By Interest Tax Fund of 1852.....  | 3,866 55    |
| By State Prison Interest Fund..... | 4,795 14    |
| By Interest Tax Fund of 1855.....  | 1,784 66    |
| By Interest Tax Fund of 1856.....  | 2,974 27    |
| By School Fund.....                | 932 59      |
| By Military Fund.....              | 2,511 85    |
| By Hospital Fund.....              | 9,318 18    |
| By Insane Asylum Fund.....         | 106 72      |
| By Sinking Fund of 1851.....       | 7,719 61    |
| By Library Fund.....               | 946 06      |
| By Estate of deceased persons..... | 89 09       |
| By State Property Fund.....        | 26 81       |
|                                    | <hr/>       |
|                                    | \$91,103 32 |

FEBRUARY 28, 1857.

*Operations of State Treasury from February 20 to February 28, 1857.*

EXPENDITURES.

| Date of Warrant. |          | Nos of Warrants. |        |       |        | Am't of Warrants paid. |                  |
|------------------|----------|------------------|--------|-------|--------|------------------------|------------------|
| 1857.            |          |                  |        |       |        |                        |                  |
| January 31,      | Warrants | 1,903            | \$70   | 1,983 | \$70   | 1,985                  | \$70 .. \$210 00 |
| Feb'y 21,        | "        | School Fund,     |        | 2,141 | 332 28 | ..                     | 332 28           |
| January 31,      | "        | 1,936            | 70     | 1,966 | 70     | 2,002                  | 70 .. 210 00     |
| " 31,            | "        | 1,964            | 70     | 1,979 | 70     | 1,977                  | 70 .. 210 00     |
| Feb'y 2,         | "        | 2,032            | 250    | ....  | ..     | ....                   | .... 250 00      |
| " 4,             | "        | 2,084            | 216    | ...   | ..     | ....                   | .... 216 00      |
| January 31,      | "        | 1,907            | 70     | 2,115 | 125    | ....                   | .... 195 00      |
| " 31,            | "        | 1,921            | 70     | 1,932 | 70     | 1,982                  | 70 .. 210 00     |
| Feb'y 19,        | "        | 2,134            | 62     | 2,131 | 62     | 2,138                  | 62 .. 186 00     |
| " 19,            | "        | 2,135            | 22     | 2,136 | 22     | ....                   | .... 44 00       |
| " 11,            | "        | 2,127            | 658 75 | 2,128 | 60     | ....                   | .... 718 75      |
| " 25,            | "        | School Fund,     |        | 2,147 | 785 40 | ....                   | .... 785 40      |
| " 25,            | "        | 2,148            | 31 25  | ....  | ..     | ....                   | .... 31 25       |
| " 21,            | "        | 2,149            | 1000   | ....  | ..     | ....                   | .... 1,000 00    |
| January 31,      | "        | 1,961            | 70     | 1,929 | 70     | ...                    | .... 140 00      |
| Feb'y 19,        | "        | 2,137            | 62     | 2,132 | 22     | 2,139                  | 348 75 432 75    |
| " 19,            | "        | 2,140            | 439 05 | ....  | ..     | ....                   | .... 439 05      |
| " 13,            | "        | 2,130            | 163    | ....  | ..     | ....                   | .... 163 00      |
| " 19,            | "        | 2,122            | 518 35 | 2,121 | 113 08 | 2,120                  | 40 .. 671 43     |
| " 5,             | "        | 2,090            | 1000   | ....  | .      | ..                     | .... 1,000 00    |
| January 17,      | "        | 1,626            | 33     | ....  | ..     | ...                    | .... 33 00       |

\$7,477 91

Amount of cash received.....\$98,581 23

Amount of cash disbursed..... 7,477 91

Cash on hand.....\$91,103 32

E. and O. E.

Received, Sacramento, February 26th, 1857, of Henry Bates, late Treasurer of the State of California, by the hands of the Committee of Accounts and Expenditures, the sum of seventy-five thousand nine hundred and eight dollars and twenty-five cents, as follows :

|  |             |
|--|-------------|
| In United States Gold Coin.....                    | \$43,057 50 |
| In California \$20 pieces at \$20 each.....        | 12,420 00   |
| In California \$10 pieces at \$10 each.....        | 17,240 00   |
| In California \$5 pieces at \$5 each.....          | 1,050 00    |
| In California slugs at \$50 each.....              | 100 00      |
| In British Sovereigns, at \$5 each.....            | 1,215 00    |
| In Forty Franc piece at \$8.....                   | 8 00        |
| In Twenty Guilder piece at \$8.....                | 8 00        |
| In Ten Guilder pieces at \$4 each.....             | 8 00        |
| In Twenty Franc pieces at \$4 each.....            | 72 00       |
| In Half Sovereign piece at \$2 50.....             | 2 50        |
| In Silver.....                                     | 621 75      |
| In Certificate of deposit, Lucas, Turner & Co..... | 105 50      |
|  | <hr/>       |
|  | \$75,908 25 |

Which amount is to be credited as follows :

|                                 |             |
|---------------------------------|-------------|
| General Fund.....               | \$ 2,550 76 |
| Interest Fund of 1851.....      | 42,814 63   |
| Interest Fund of 1852.....      | 2,025 17    |
| Interest Fund of 1855.....      | 934 69      |
| Interest Fund of 1856.....      | 1,557 82    |
| State Prison Interest Fund..... | 4,653 50    |
| Hospital Fund.....              | 9,318 18    |
| Insane Asylum Fund.....         | 106 72      |
| School Fund.....                | 1,085 22    |
| Sinking Fund of 1851.....       | 7,719 61    |
| Library Fund.....               | 746 06      |
| Estate of deceased persons..... | 89 09       |
| State Property Fund.....        | 26 81       |
| Military Fund.....              | 2,279 99    |
|                                 | <hr/>       |
|                                 | \$75,908 25 |

JAMES L. ENGLISH,

State Treasurer.

The present condition of the Treasurer's office is satisfactory. The books and accounts are kept in a neat, plain and comprehensive manner. They exhibit on the first of the present month, a balance in the Treasury amounting to the sum of. ....\$91,103 32  
 Receipts during this month up to the present time..... 15,419 07

Total ....\$106,522 39  
 There has been disbursed during the same period the sum of..... \$7,124 68

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Leaves a balance in the Treasury up to this date, March 26, 1857..\$19,397 71

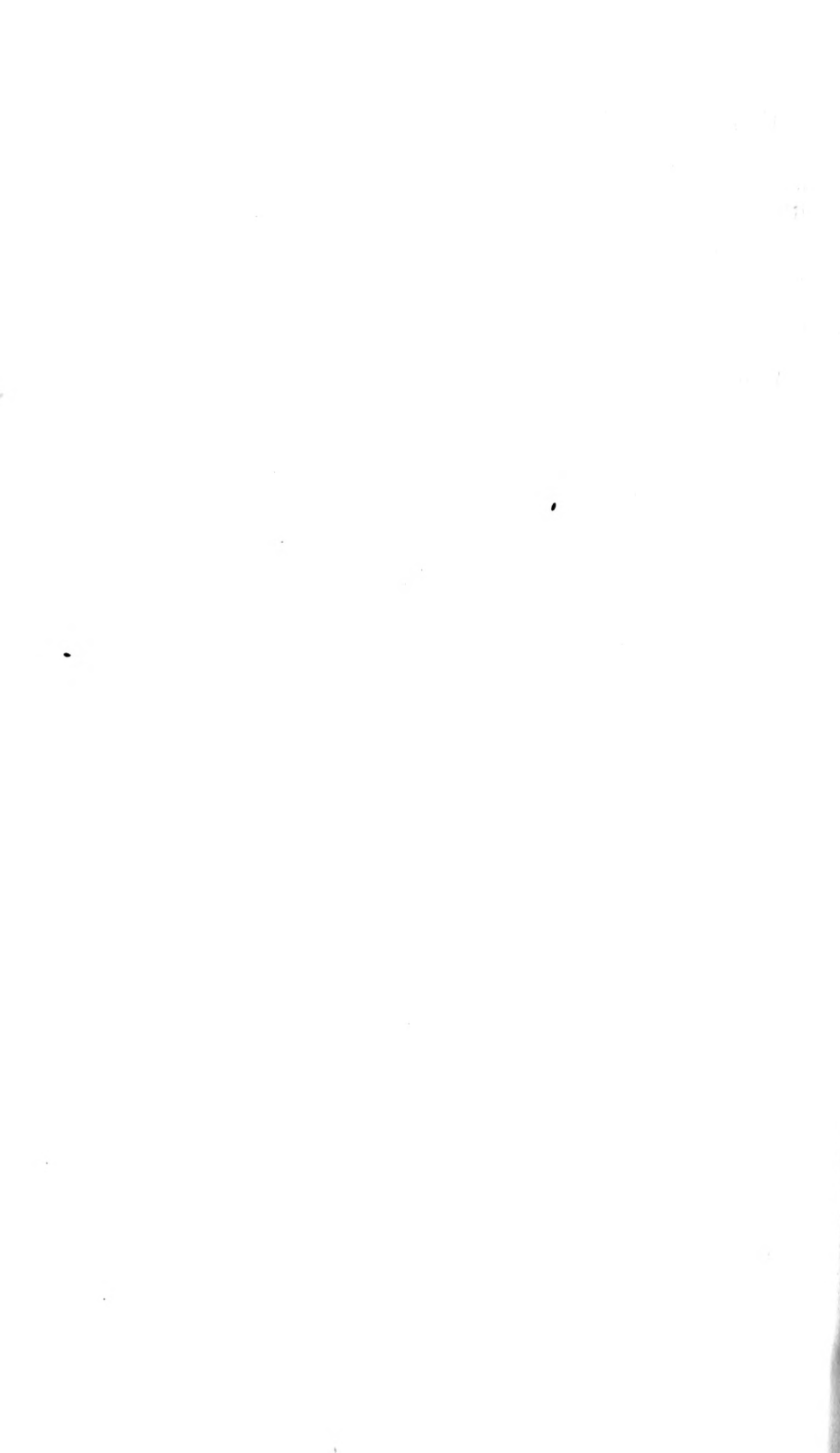
All of which is respectfully submitted for the consideration of the Assembly.

JOSEPH S. WATKINS,

Chairman of Committee on Accounts and Expenditures.

March 27th, 1857.









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IN ASSEMBLY.]

[EIGHTH SESSION.]

# REPORT

OF

## COMMITTEE ON STATE PRISON,

SUBMITTED

FEBRUARY 25<sup>TH</sup>, 1857.

JAMES ALLEN, STATE PRINTER.

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# REPORT.

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MR. SPEAKER :

Your Committee to whom was confided the investigations concerning the State Prison, beg leave to Report :

Five of our members, consisting of Messrs. Rogers, Shuler, Edwards, Jessup and McKune, were directed by resolution of this Assembly to proceed to the State Prison at Point San Quentin, and make personal examination into the affairs of our Penitentiary, with full power to send for persons and papers and to administer oaths.

That sub-committee, on the 27th day of January last, proceeded to make their investigations. They found the Prison under the control of James M. Estell, under a contract dated March 26th, 1856, with R. M. Anderson, G. W. Whitman, and Henry Bates, Board of State Prison Commissioners, and a supplementary agreement made April 3d, same year, between same parties.

The Act of 1856, (Session Laws, p. 48,) under which that contract was made, provides for the making of such contract and authorizes the Commissioners to pledge the State to pay a price for keeping the prisoners, not exceeding \$15,000 per month ; the Act also appropriates the sum of \$15,000 per month, or such sum per month less than that amount, in accordance with the contract to be made by the Board of Commissioners.

By the terms of the contract, the State Prison property, consisting of thirty-six acres of land, prison, and houses, and all improvements—also all shipping, vessels, boats, fixtures, implements, tools, furniture, stock, and all other property of the State, connected with the Prison, with the labor of the prisoners, were farmed out to Mr. Estell for the term of five years ; and the Commissioners agreed, on behalf of the State, to pay \$10,000 per month for the safe keeping of the prisoners, in addition to the lease of said property.

By the Act referred to, the Board of Commissioners were required to perform certain duties in attending to the Police of the Prison. They were required to visit the Prison from time to time, and examine into its government, and from personal observation and conference with the Directors, to change, alter or abolish such rules and regulations as, in their judgment, might be found necessary.

The State Prison Directors were required by law to give their daily attention to the enforcement of such rules and regulations.

The Lessee of the Prison, by the terms of his contract, agreed to receive and take charge of all convicts confined in the Prison at the date of his contract, or any other State Prison which may be established, and also to receive and take charge of all who might be convicted and sentenced or committed to imprisonment in the State Prison during the said term of five years, and that he would safely keep the said convicts, as required by law, in said Prison or Prisons, for the said term of five years, at his own cost and expense.

He further agreed to establish and erect such buildings, prisons, and walls, and make other improvements on the State Prison grounds, or those purchased by the State for that purpose, as would conduce to the safety and convenience of properly keeping, securing, working, clothing, feeding and medical attendance for the State convicts without cost to the State ; and he further agreed to furnish the State Prison Directors with fuel and provisions when necessarily residing at the Prison.

### CONDITION OF THE PRISON GROUNDS.

By referring to the report on State Prison by Joint Committee of Senate and Assembly, printed and bound with appendix to Assembly Journal for 1856, it will be seen that a title to a portion of the Prison grounds was in dispute at the time that report was made. Your committee have not ascertained that any steps have been taken by the State to clear up the clouds upon the title mentioned in that report, and the matter will claim your further attention.

The selection of Point San Quentin as a site for the State Prison, although it has some natural advantages, was, in our opinion, ill advised. The situation of the Prison upon a point of land surrounded by water, may enable fewer men to guard the prisoners scattered over a large surface than if situated further in the interior, but practically but little benefit is derived from such location. The county of Marin is thinly settled, and but little aid can be derived from citizens in case of an *emeute*. The immediate vicinity of the Prison is so uneven that persons outside the walls can readily secrete themselves, and at no great distances are hills covered with chapparal. If a prisoner escape to those hills he may secrete himself for any length of time and escape at his leisure.

The Prison is neither located on any great thoroughfare of the State nor in a central position, and the consequence is that there is much more difficulty and expense transmitting prisoners than would exist at San Francisco or Sacramento. Sheriffs taking prisoners to San Quentin from the northern counties are compelled usually to stay at San Francisco one night, and then run the risk of getting a boat to proceed to San Quentin the next day ; in the meantime, in addition to the expense, there is additional difficulty in securely keeping the prisoners.

But the expense of building the Prison at that point having been incurred, it would be impracticable at this time to remove it. The north wall of the Prison is 202.06 yards long ; the east wall is 497 ; the south wall 224.04, and the west wall is 493.03 ; and it appears to be sufficient for all purposes of a prison wall.

The prison building contains in the second story forty-eight cells for close confinement of prisoners. The cells are——by——feet in the clear, and are now fitted up for sleeping apartments, four beds in one cell. The building itself is thirty feet wide from north to south, and one hundred and eighty-six feet long from east to west. The room of the turnkey is in the first story, in east end of the building, and the residue of the first story is occupied by a single room one hundred and sixty feet long, with beds for two hundred and twenty-eight men. The

entrance to the cells in the second story is from the balcony, and the number of cells is not sufficient to accommodate the number of persons who should be confined in cells. There should be an additional building erected of at least the capacity of the one above described, to accommodate the prisoners with suitable quarters. The building should be so constructed that the entrance to the cells should be from a hall, as that can be more readily guarded than a balcony.

The committee have no means of knowing how much grading has been done within the walls of the prison during the last year, but they have every reason to believe that improvements in that respect have been made to a large amount, and that in a few months the grading will be completed.

There are at present large amounts of lumber lying loose about the prison yard, thus giving facilities for scaling the walls, which should be removed, and thus chances of escape avoided.

The Lessee has, within the last year, under his contract, commenced the construction of a wharf, about four hundred yards east of the prison, which, when completed, will enable steamboats at all stages of the tide, by going about a mile and a-half out of their course to and from San Francisco, to land and discharge their freights. This is rendered necessary, when we consider that at this time, and as the wharfs at the prison are now located, vessels of any considerable draft can only pass the bars at high tides.

The Lessee has also commenced, and has now nearly finished two ranges of work shops, more particularly described in Exhibit No. 1, herewith submitted.

These workshops should have been erected long since, and the prisoners should have been required to work within the walls. There are several buildings outside the prison walls now in use as offices, store-houses, bakery, eating apartments; a portion of them are on lands not the property of the State, but are in constant use as prison property.

## CONDITION OF PRISONERS.

The sub-committee mentioned, on the 29th day of January, proceeded to make their examinations of the prisoners.

The lessee placed at their disposal the officers of the Prison, who called into the Prison yard all the prisoners whose attendance could be readily secured. The committee had provided for use a list of all the prisoners, which according to the books of the Prison should be present. Each prisoner, as his name was called passed from the circle in which he was standing in view of the committee. The committee found present at the Prison and Island 459 convicts, the names of whom are herewith submitted in exhibit No. 2. These men were in general sufficiently well clothed for pleasant weather, but for stormy there should have been additional clothing. There was a want of shoes among some of the convicts, and the lessee should be compelled by rules to furnish additional supplies of clothing, so that prisoners at all times, at least during winter, should have shoes. None, or at least but few, of the convicts were furnished with socks. At this season of the year, in the opinion of your committee, each prisoner should be furnished with a change of clothing, including socks, and more attention should be paid to the cleanliness of the convicts by requiring them to change their clothing. The ten convicts said to be on the ranches, we did not see, and the two at San Raphael were not seen by the committee. There were six prisoners not found at the Prison and not accounted for by the officers of the Prison. Their names are shown in exhibit No. 2. We have no means of knowing where these prisoners are or what they are employed about, except the convict Esparza.



The labor of the prisoners has been employed during the year last past, mostly in improving the Prison grounds and in making bricks.

Bricks are made outside the Prison walls, and the convicts while at work are under guards, who watch their movements, and prevent escapes, and about 7,000,000 of bricks have been made at the Prison during the past year.

The convicts not found at the Prison were of four classes :

1st. Those at Marin Island quarrying stone.

2d. Those working on ranches occupied by the Lessee, from one to three miles distant from the Prison.

3d. Those on board boats of the Lessee.

4th. Those allowed to work for citizens at San Raphael.

The names of those convicts thus engaged are shown in exhibit No. 2.

The said sub-committee examined the provisions used in feeding the prisoners and report that the flour used is of coarse quality, but sweet and well adapted to the use of prisoners. The same remarks apply to the beans used. We examined the hams and bacon used, and consider the lot on hand as unsuitable for provisioning the Prison. Some of the pieces were in the last stages of decomposition. These were thrown aside, and the better quality only used, but the rules of the Prison should require the use of uncondemned meat. For the quality of the hams used for the last month see exhibit No. 3, being the deposition of E. H. Pomeroy, Commissioner of the Prison, see also the exhibits annexed to same deposition for a copy of the issue sheets, for the months of October, November, December, and January last. While cattle could be readily procured, fresh beef was used, but later in the season ham was substituted.

The witness states that he heard no complaints of the quality, but he did as to the quantity of beef distributed.

### THE "TRUSTY SYSTEM."

In conducting the affairs of the State Prison of California, a system of favoritism has obtained, not known in any other country, commonly called the "trusty system."

The depositions of E. H. Pomeroy, (exhibit No. 3,) George W. Wells, (exhibit No. 4,) C. E. Meridith, (exhibit No. 5,) deposition of William Pursley, (exhibit No. 6,) and Wm. H. Woodcock, (exhibit No. 7,) herewith submitted, show the workings of the system as now practised. It was probably inaugurated immediately after our State Prison had existence by the present Lessee, and has been continued ever since. It consists in granting certain of the prisoners special privileges. Such are permitted to sleep outside the prison walls; they need not be present at roll call; they are not confined within the guard lines; they are permitted and selected to man the boats and go to different parts of the State; they are used to work on ranches, not under guard, at a distance from the prison, and not watched by the officers; some are allowed to work as servants in the vicinity of the prisons, others have been allowed to go to San Francisco unattended.

A list of these "Trusties" is annexed to the deposition of E. H. Pomeroy, in exhibit No. 2.

One of those "Trusties," Francisco Esparza, convicted for grand larceny, we could not find at the prison. The committee were informed at the prison that he was at the Island; at the Island, that he was on the boat, and we were unable either to find him or to get any information at the prison where he was. We made inquiry of General Estell as to his whereabouts, and he did not know there was such a person.

The deposition of Hon. Martin E. Cook, herewith submitted, throws some light on the subject, which illustrates the working of the "Trusty System."

The 93d section of the Act of 1850, concerning crimes and punishments, (Compiled Laws 657,) reads, "and if any person or persons shall set at liberty or rescue any person who shall have been found guilty or convicted of crime, the punishment of which is imprisonment in the State Prison or in prison, the person so offending, on conviction thereof, shall be sentenced to the same punishment that would have been inflicted on the person so set at liberty or rescued."

By common law, any person guilty of "an escape" was punishable, and an escape was defined to be the deliverance of a person, who is lawfully imprisoned, out of prison before such person is entitled to such deliverance by law. He that aids, assists, or counsels any one to aid or assist a convict to escape, would be guilty under the law of such escape.

Even in civil cases, the defendant arrested must be held in corporeal bondage; "duress of imprisonment" has a technical meaning, and any privilege extended by the keeper which avoids that duress will constitute an escape.

It was decided in 2d of Mason's Reports, 486, that when the keeper of a prison made use of the prisoners confined for debt, as turnkey, and trusted him with the keys, he was guilty of a constructive escape.

The judgment against a party convicted, is, that he be imprisoned in the State Prison. It is not sufficient to satisfy that judgment that he be attached to the establishment of the Prison for the mere accommodation of the Directors or Lessee. Prisoners are not sent there for the purpose of working merely, or attending to domestic duties in private families, or for the purpose of acting as clerks, turnkeys and general servants about the establishment, free of that personal restraint inseparable from the idea of imprisonment.

Your Committee believe that the letter and spirit of the law required a radical change in the management of the Prison in this regard. The Directors who had charge of the Prison before the Lessee took possession under his present lease, disregarding the law in the premises, neglected to keep prisoners in custody, but permitted them to go at large, on trust; and the extent to which the system has been carried under the lease has been a cause of serious alarm in the vicinity of the Prison. It is to be regretted the trusty system was ever inaugurated, as it destroys the objects to be attained by imprisonment; a general system of favoritism is kept up; and this depends upon the will, not of the Judge giving sentence, nor on the law or the offence committed by the convict, but upon the will of the Lessee; and thus far no check has been interposed.

Had the Grand Jury of the county of Marin indicted all persons guilty of permitting prisoners to escape, the system would long since have ceased to exist. It was their clear duty so to do; the fact that large numbers of prisoners have been turned loose on community by the permission of the officer of the Prison, is undoubted; and for each instance the officer so doing is guilty of a violation of the criminal laws and liable to indictment.

In addition to the criminal aspect of the trusty system, the present Lessee, in the contract under which he holds the Prison, agreed to receive and take charge of all the convicts and safely keep them *in the Prison*. It is submitted that keeping them on ranches, in private dwellings, or as sailors on board of boats, is not keeping them in prison according to his contract. These are clear breaches of contract, but on the question how far the Lessee is liable on his bond, we do not express an opinion. The bond is signed by J. M. Estell, Frank Denver, B. H. Munson, H. S. Brown, J. W. McCorkle and J. C. Davis, and is in the penal sum of \$200,000 conditioned that the Lessee would keep and perform all and singular the covenants and agreements on his part to be done, kept and performed, mentioned in the said lease.

It may, however, be proper to remark that the law provides no measure of damages to be recovered on such bond where prisoners are allowed to escape.

These remarks are submitted on the hypothesis that the contract of lease is valid and binding on the State and Lessee.

The contract was entered into without advertising for competition, the Commissioners pursuing their duties under the law, made the contract, and a question now arises under the circumstances what course shall be taken by the State in the further management of the Prison. From the foregoing considerations, together with others submitted under the head "Miscellaneous," in this Report, your Committee are of opinion the present Lessee is an unsuitable person to intrust with the management of a penitentiary. With a view to ascertain the exact rights of the Lessee under his contract, your Committee addressed a letter to the Hon. Attorney General of the State, asking his opinion upon the validity of such contract. The reply of the Attorney General is herewith submitted, as Exhibit No. 8. The opinion, it will be seen, goes to the extent of declaring said lease void and that no rights are vested under it in the Lessee.

Your Committee are not disposed to argue the questions connected with the constitutionality of the law under which the lease was executed. Nothing, however, can be clearer than that if the law referred to was unconstitutional, no rights could vest under it, and any disposition the Legislature chooses to make concerning the Prison would not interfere with a vested right.

### MISCELLANEOUS.

The Board of Commissioners by the 3d section of the law of 1856 were required to make, alter, amend, and cause to be observed such rules as they might deem proper. For the purpose of ascertaining what rules had been made, and how the Commissioners had attended to their duties, under the laws, your committee addressed a letter to the Hon. R. M. Anderson, President of the Board, containing certain inquiries. His reply is herewith submitted, marked exhibit No. 9. By such communication we learn that the Commissioners adopted the old rules in force at the time the commission was established. These rules are twelve in number. They relate exclusively to the management of the prisoners by the guard. The rules do not go to the extent of applying any remedy to the existing evils complained of. We are of the opinion that if the Commissioners had established wholesome rules, and had attended to their enforcement, there would now be less to complain of. The rules are such as the Lessee himself would have made for the management of his employees; none of them seem to have been made to require the Lessee to comply with the requirements of the law. The quality and quantity of food—the clothing of the prisoners, and their discipline, are not touched by the rules. By them the trusty system might have been abolished. The prisoners could have been kept in prison, and other abuses could have been corrected. In thus neglecting a clear duty, the Commissioners deserve censure. They can scarcely be viewed in any other light than as guilty of negligence bordering on criminality. The State confided to them a sacred trust. The Lessee does not occupy his position as an officer, he is supposed to act from pecuniary motives; not so with the Directors, they receive a salary, and are sworn officers of the law. We had a right to expect of them that they would use the power confided to them, and stand between the Lessee, the prisoners and the State, and see exact justice done. Instead of a faithful discharge of their duties, they have totally disregarded the requirements of the law, have neglected to make needful rules governing the prison, when in them was confided

the only power capable of remedying the evil complained of, and have quietly rested, permitting the continuance of prison discipline, disgraceful alike to the State and the parties whose duty it was to remedy the same.

By the law the Directors are required to attend to the enforcement of rules established by the Commissioners. If the Commissioners had established strict prison discipline, and the Directors had attended to the enforcement of such rules, their offices would not have been of a sinecure character, and the salaries paid to those officers would not have been paid in vain. But as the matter now stands, those officers have been of very little benefit to the State.

We submit herewith a communication from A. Bell, Esq., State Prison Director, marked "Exhibit No. 10," containing matter worthy of note, and in extenuation of his official conduct, we have found him ever ready to give us any information in his power concerning the Prison. This remark applies to Mr. McKenzie, and all others connected with the Prison.

The committee have taken some testimony, designing to show an arrangement by which a large amount of provisions and clothing were purchased by the State while the law under which the lease was made was passing the Legislature, which clothing and provisions were delivered over to the Lessee and used by him.

The evidence referred to is contained in the depositions of Robert Haly, A. M. Hay, and J. F. McCauly. The note referred to by McCauly was drawn by Estell and Woods in favor of A. M. Hay, witnessed by W. B. Farwell, for \$5,000, dated San Francisco, May —, payable on or before November 1st, 1856.

We were unable to come to any conclusion as to the subject matter by reason of the refusal of Mr. Hay to answer our question, and we merely submit the depositions.

On the 17th instant the Governor addressed a letter to Mr. Edwards, one of your committee, who was then in San Francisco, which letter is herewith submitted. Mr. Edwards accordingly went to the Prison on the 18th, and made his examination, according to the request of the Governor. He found many of the prisoners, probably one-fourth, in a condition bordering on destitution; about one hundred of them without shoes, and, as a general thing, the remainder very badly shod, and unless supplies shall be very soon furnished very few will have shoes.

A majority of the prisoners had not sufficient clothing for comfort in summer, and from their general filthy appearance he judged there was not clothing sufficient for change.

On examination of the bedding there was evidently insufficient for purposes of comfort.

On examination of the provisions, Mr. Edwards found the quality such as no human being should be required to eat—consisting mostly of rusty mackerel and brown bread. He was informed by the Superintendent that once a day small rations of corned beef were distributed. The quantity was very small, not sufficient to last beyond the 21st inst.

The depositions of J. G. Gordon and C. A. Conner, J. H. Harris, H. R. Johnson, John Morton, John Henry, herewith submitted, show that there is positive suffering at the prison for want of necessary supplies, and common humanity would dictate that an immediate change should be made in the management.

## CONCLUSION OF FACT.

That the contract under which the present Lessee holds the State Prison is void.

That the contract is not as favorable to the State as can be made.

That the prisoners have not been sufficiently well clad or fed during the year last past.

That the Commissioners have neglected their duties, and the Directors' offices have been of little use in the administration of the affairs of the Prison.

That the Lessee has used the labor of the prisoners mainly in making bricks for sale during the past season.

That this has been done to the neglect of building suitable quarters, at an early day, inside the prison walls, for the accommodation of the prisoners.

That the former Directors, the present Directors and Lessee of the State Prison, have been guilty of gross negligence and positive criminality in permitting convicts to go at large contrary to law.

Your Committee recommend—

1st.—The State should have an agent of experience in prison matters and independence of character residing at the Prison, whose duty it shall be to see exact justice done between the State, the prisoners and the Lessee. He should have entire control of the registry of Prison papers. He should have the custody of the Prison seal; should be required to make and enforce rules for the administration of affairs of the Prison, and should be required to report monthly to the Governor, giving in that report full accounts of the affairs of the Prison, and if any escapes have been effected, giving particulars of such escapes. He should have power to enforce any rules regarding the food and clothing of the prisoners.

2d.—A new Prison building should be erected, with a separate department for females.

3d.—The abolition of the "Trusty" system. Treating all persons with kindness, but having no favorites.

4th.—That a correct account of all moneys taken from prisoners be noted in a book and accounted for when the prisoner is discharged, and that no prisoner be allowed to give any money to an attaché of the Prison; also, that no convict should be discharged without giving him some small amount of money; sufficient to meet his immediate necessities.

5th.—The entire books to be kept by freemen.

6th.—The establishment of a hospital.

7th.—The State Prison to be made reformatory as well as disciplinary.

8th.—The convicts, without distinction, to be dressed in prison uniform.

9th.—An ordinary citizen's dress to be given discharged convicts.

10th.—Insane prisoners to be sent to the Insane Asylum.

11th.—The law forbidding the sale of liquor within two miles of the Prison should be rigidly enforced.

In conclusion, a majority of your Committee, composed of Messrs. Rogers, Edwards, Holden, Jessup, Anderson and McKune, recommend the passage of an Act herewith submitted. A minority, composed of Messrs. Shuler and Livermore, sign this Report without making any recommendation.

GEO. H. ROGERS, Chairman.

THOS. H. ANDERSON,

J. H. MCKUNE,

WM. HOLDEN,

URIAH EDWARDS,

RICHARD M. JESSUP,

JAMES LIVERMORE,

GEORGE L. SHULER.

# APPENDIX TO REPORT.



# APPENDIX.

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## EXHIBIT NO. I.

The buildings erected within the last year for workshops are in two ranges, and immediately joining each other.

Length of each from north to south 479 feet. Width of the west building, 33 feet; width of the east building, 36 feet. Both in a partial state of completion. The material used for building the walls are stone and bricks—roofed with shingles.

The long room of the prison is 147 feet long by 28 feet 6 inches—furnishing sleeping accommodations for 230 prisoners.

|   |     |
|---|-----|
| Whole number of prisoners placed in the hands of the Lessee March 29, 1856..... | 421 |
| Number of pardons since to January 28, 1857.....                                | 19  |
| “ Escapes to same time.....   | 52  |
| “ Discharged .....  | 79  |
| “ Died.....   | 3   |
| “ Drowned .....   | 2   |
| “ Killed .....  | 1   |
| Taken out on <i>habeas corpus</i> .....   | 3   |

The number of prisoners sent from each County to State Prison from December 21st, 1855, to January 27th, 1857, are as follows :

|                         |    |
|-------------------------|----|
| From El Dorado Co.....  | 11 |
| “ San Francisco Co..... | 83 |
| “ Santa Barbara Co..... | 6  |
| “ Yuba Co.....          | 22 |
| “ Mariposa Co.....      | 9  |
| “ Los Angeles Co.....   | 14 |
| “ Alameda Co.....       | 6  |
| “ Solano Co.....        | 3  |
| “ Contra Costa Co.....  | 4  |



|                           |    |
|---------------------------|----|
| From Sonoma Co.....       | 3  |
| " Tuolumne Co.....        | 8  |
| " Santa Clara Co.....     | 6  |
| " Sacramento Co.....      | 19 |
| " Butte Co.....           | 5  |
| " Nevada Co.....          | 11 |
| " Amador Co.....          | 12 |
| " Placer Co.....          | 16 |
| " Monterey Co.....        | 1  |
| " Santa Cruz Co.....      | 2  |
| " Siskiyou Co.....        | 4  |
| " Shasta Co.....          | 5  |
| " Calaveras Co.....       | 12 |
| " Trinity Co.....         | 5  |
| " San Joaquin Co.....     | 6  |
| " San Mateo Co.....       | 1  |
| " San Diego Co.....       | 1  |
| " Yolo Co.....            | 1  |
| " Fresno Co.....          | 2  |
| " San Bernardino Co.....  | 2  |
| " Marin Co.....           | 1  |
| " Tehama Co.....          | 1  |
| " San Luis Obispo Co..... | 1  |

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## EXHIBIT NO. II.

### *List of Prisoners found at the Prison.*

|                         |                   |
|-------------------------|-------------------|
| George Adams,           | William Fleck,    |
| Marco Cortellos,        | J. R. Mitchell,   |
| Marco Soto,             | Jno. Cahill,      |
| Cherino Rivera,         | Wm. Thompson,     |
| Elieno Rodriguez,       | Nestor Imperial,  |
| Manuel Goise,           | Jolly Sebastian,  |
| Jose H. Veal,           | Rafail Gallenti,  |
| Joseph Kuhn,            | Jack Rowen,       |
| Carlos Camplido,        | George Wright,    |
| J. A. Gonzales, (sick,) | Hiram Durham,     |
| J. C. Smith,            | E. Cheviarie,     |
| Anto Hernandez,         | William Courtney, |
| Pedro Gonzales,         | Jose Maria,       |
| Henry Howard,           | Ah Wah,           |
| N. Norris,              | Timothy Ryan,     |
| Pasqual Cassillo,       | Man'l. Marrand,   |
| Jno. Campbell,          | John Urrea,       |
| Jno. Williams,          | Yario Gorzales,   |
| Juan, (an Indian,)      | Baptiste Gawarya, |
| J. M. Sepulveda,        | Pedro Sesa,       |
| Jesus Romo,             | William Bryant,   |

Robert Willmott,  
 Jno. Smith,  
 George Taylor,  
 James Minturn,  
 S. T. Cochran,  
 Fernando Gonzales,  
 James F. Morse,  
 Sango Munoz,  
 Francisco Rinaz,  
 Thos. Crooks,  
 Francisco Morales,  
 Wm. Clayton,  
 Man'l. Garcia,  
 H. R. Hustif,  
 Jno. Smith,  
 Wm. Lus,  
 Stephen Blake,  
 Wm. D. Carr,  
 Lorenzo Havio,  
 Janacio Montero,  
 Thomas Bayecero,  
 Geraldo Barensuelo,  
 Robert Thompson,  
 Man'l. Antone,  
 John Reynolds,  
 Jose Escalantes,  
 A. J. Riley,  
 Isaac Riptoe,  
 William H. Allen,  
 Miguel Seguera,  
 Jules Ducheire,  
 C. E. Lockwood,  
 Rudolph J. Apanior,  
 William Wild,  
 Armada de la Tour,  
 John Rowan,  
 John Brian,  
 Tuby West,  
 Charles French,  
 Richard Colton,  
 John Styles,  
 Francisco Rivers,  
 A. J. Favioso,  
 Frank Thompson,  
 Geo. H. Freeman,  
 Joseph Simpson,  
 S. P. Taylor,  
 James McLane,  
 James Brown,  
 William Murphy,  
 Jesus Ruiz,  
 Henry Dougherty,  
 David Gramard,  
 William Smith,

Solomon Thorn,  
 Assinche Garthia,  
 George Lendrum,  
 Jesus Fontez,  
 Charles Cleveland,  
 Wm. Fleming,  
 Catharine Fredany,  
 Frank D. Brayen,  
 Ventura Gustilliano,  
 Benjamin Carter,  
 J. D. Dunn,  
 Domingo Apolito,  
 Cherokee Bob,  
 George A. Fisher,  
 Stephen A. Jackway,  
 A. B. Gillman,  
 Ah Sung,  
 George Williams,  
 Frank Smith,  
 Chas. Osbourne,  
 Jno Davis,  
 Jno. Nelson,  
 James Mullen,  
 James Mulqueen,  
 James Clark,  
 Jno. Cotten,  
 Charles Willer,  
 Jose Lafuente,  
 Anto Ramarez,  
 Thomas Lynch,  
 Chas. O. Glen,  
 Pentarke Burgante,  
 Moses M. Jackson,  
 Robert Hakle,  
 H. Jackson,  
 John Gardner,  
 Thomas Rogers,  
 Naze Monton,  
 James Williams,  
 Vincent Colvin,  
 E. R. Stewart,  
 Antonio Joaquin,  
 James Curry,  
 Theodore Deins,  
 Jesus Penize,  
 Rafael Minavara,  
 Adolph Barron,  
 John Gallagher,  
 John Westman,  
 R. M. Backus,  
 M. Lassaro,  
 Santos del Gubiello,  
 Jeno Wilson,  
 Duncan McCrea,

Jose (an Indian,)  
 Frank Taylor,  
 Nathaniel Green,  
 George Williams,  
 William Turner,  
 Charles Johnson,  
 J. A. Skinner,  
 Harvey Maxim,  
 Michael McDonough,  
 Ey ie,  
 Jerome Arteeze,  
 Otto Scoble,  
 Wm. O. Hare,  
 Jose Lopez,  
 Lewis Bowman,  
 John Wasser,  
 Samuel J. Hall,  
 Mary Hall,  
 Thomas Fornaspin,  
 James Smith,  
 Pablo Arrovalo,  
 Julian Fay,  
 Edward Smith,  
 Wm. H. Waters,  
 Frank Dixon,  
 Song Ah Cong,  
 Ah Took,  
 Henry Whaler,  
 Emile Davin,  
 Thomas Hickey,  
 Francisco, (an Indian,)  
 Leuben Coffman,  
 William Curran,  
 Teodocio Delgado,  
 Labrato Gonzales,  
 Patrice Atoga,  
 Charles Hunnan,  
 Rafael, (an Indian,)  
 Isabel, (an Indian woman,)  
 J. M. Mansand,  
 Huerico Perez,  
 Thomas Godkin,  
 John Godkin,  
 John Roberts,  
 Francisco Dumas,  
 Wm. Edwards,  
 Jack Robinson,  
 Jno. Kenny,  
 Thomas Burns,  
 William White,  
 James Dennis,  
 George Brown,  
 G. W. Apple,  
 Manuel Joseph,

S. D. Thompson,  
 Wm. Ellis,  
 James Reed,  
 Jno. K. Shirbey,  
 Francisco Lulio,  
 Albert Woodburne,  
 James Toland,  
 James Malgum,  
 Adam Henderson,  
 James Patterson,  
 James Colter,  
 Joshua F. Buler,  
 Henry Johns,  
 Louis Flous,  
 Add Reynolds,  
 John Riley,  
 Michael Murray,  
 Elihu Allen,  
 Juan Lago,  
 Wm. Jennings,  
 Michael Hines,  
 George Riley,  
 Louis Frank,  
 Wang-you-for,  
 Domingo,  
 Henry Garthoff,  
 William Mickle,  
 William A. Hayes,  
 Pablo Massa,  
 Marin Cinero,  
 Ed. Coy,  
 Whitman Valentine,  
 Thomas Mitchell,  
 Cowal (an Indian,)  
 Samuel White,  
 Peter Nicholas,  
 Thomas Mancille,  
 Charles Moody,  
 Jacintha Huneaga,  
 Sabastian Batevias,  
 John Conner,  
 Jessie Rill,  
 John Smith,  
 Jose De Flores,  
 Sacramento Valenzuello,  
 Henry Dobbins,  
 Henry Hayes,  
 J. M. Gonzales,  
 Pasquel Guego,  
 J. Kinsey,  
 Leonard Tuftz,  
 Clark Judson,  
 Enriques Cayetano,  
 Wm. Ward,

J. H. Hall,  
 Joseph Thompson,  
 Charles Thompson,  
 James Brown,  
 Robert Fanning,  
 Arseval Frause,  
 Asa W. Combs,  
 Daniel Nunes,  
 Valentine Numas,  
 Jose Conaho,  
 Antonio Moriano,  
 Pedro Salvador,  
 Charles Miller,  
 Martin Johnson,  
 Sing Tun,  
 Richard Wallace,  
 Jose Maria,  
 Ernest Kohle,  
 Louis Sele,  
 W. T. Wheeler,  
 Geronimo Torres,  
 John Burke,  
 Ah Yon,  
 Fernando Lopez,  
 Geo. Clark,  
 Balentine Neira,  
 Jose A. Goday,  
 Jose V. Awaya,  
 Philip Riley,  
 Thomas Edwards,  
 Wm. H. Best,  
 Jno. P. Cryder,  
 Richard Acosta,  
 Chu Sam,  
 Ah Tute,  
 David Dickey,  
 John Russel,  
 Lorenzo Neiblas,  
 Ramon Soto,  
 Benito,  
 George R. Morris,  
 J. A. Covell,  
 J. M. Virgin,  
 Jose Santos Romero,  
 Jose Mendez,  
 Jno. Thompson,  
 William Love,  
 Isaac Adams,  
 William Scott,  
 J. R. Davis,  
 James Bruin,  
 William Gregory,  
 William Fitzgerald,  
 S. A. Bowen,

William Brown,  
 Samuel Held,  
 Florentine Valdez,  
 Emanuel Baldiviersa,  
 Reuben Bessy,  
 William Grant,  
 J. A. Valenzuelo,  
 Robert McClair,  
 John Weeks,  
 William Kelley,  
 Dennis Connelly,  
 Domingo Campo,  
 Frederick B. Philips,  
 James Raffo,  
 Ah On,  
 Ah Yee,  
 Jose Sotero,  
 Daniel Lehr,  
 James Butler,  
 William Souther,  
 Juan Hernander,  
 Martin S. Curry,  
 Charles McCarty,  
 Jose Guyella,  
 Francisco Moreno,  
 Jose Vicente,  
 John Vanderhoff,  
 Adalbert Hoepke,  
 John A. Marshall,  
 Joseph Wilfred,  
 Coyetano Moreno,  
 John Sullivan,  
 Lorenzo Ameza,  
 Antonacio Moreno,  
 Henry King,  
 James Burns,  
 John Dolan,  
 William Rogers,  
 Robert Barnes,  
 James Allen,  
 Jordan Peterson,  
 Jacob Coleman,  
 Henry Coleman,  
 Michael Flannegan,  
 James Newman,  
 James Lee,  
 John Crocker,  
 Antonio Salgado,  
 J. Howell,  
 Wm. Jordan,  
 Jose M. Bebeuce,  
 Allen Boon,  
 Frank Ewing,  
 George Roberts,

Frank Maynard,  
 George Nesbett,  
 Joseph Clempson,  
 John Smith,  
 Francisco Rbeno,  
 William Wilson,  
 Adam Michael,  
 H. Y. Lebkischer,  
 Micanore Romero,  
 Adolph Newton,  
 Wm. J. Carter,  
 Anastasio Heredes,  
 Oscar Parsons,  
 Ed. McLaughlin,  
 William Edwards,  
 Simon Lopez,  
 Charles Corning,  
 Henry Brandt,  
 Henry Lawrence,  
 John Walsh,  
 Charles Smith,  
 John Turner,  
 D. G. Hammond,  
 Hyppolito Agosto,  
 Thomas Hassan,  
 Edward Lines,  
 Jesus Morano,  
 Jose Garcia,  
 Francisco Alviso,  
 Richard Sanders,  
 Charles Valenzuelo,  
 John Dorey,  
 P. Grady,  
 Guiseppo Tappo,  
 Pedro Espinosa,  
 Ed. Allender,  
 J. W. Theall,  
 Rafael Selalla,  
 Lewellyn Harris,  
 William Lewis,

Rafael Ruiz,  
 Jose Buenavidas,  
 James Ross,  
 Leonard Samudio,  
 James Phillips,  
 Wm. McCarthy,  
 Geo. W. Mansfield,  
 Thomas Chieto,  
 Loreta Permentel,  
 Louis Romeres,  
 Thos. Hamilton,  
 Julian Carrero,  
 Beneto Olivera,  
 James Connelly,  
 George W. Sweet,  
 Ah Yong,  
 Elisco, (an Indian,)  
 Catherine A. Kettle,  
 Daniel S. Potts,  
 Martin Griffin,  
 Lorenzo Mumses,  
 Henry Holman,  
 Angel Alamos,  
 Thomas Munday,  
 Thomas Doyle,  
 James H. Hefferon,  
 Jno. Welsh,  
 Charles Sanford,  
 James Hubbard,  
 David Dunn,  
 Guilliame Davids,  
 Mary Baldwin,  
 Henry Baldwin,  
 Wm. Townsend,  
 Henry Henderson,  
 Clues Smith,  
 Carlos Estrude,  
 Julian Flierno,  
 John Welsh,  
 Dennis Horton.

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*List of Prisoners found at Marin Island.*

C. W. Valentine,  
 John C. Smith,  
 Jose Pedro,  
 James McCready,  
 James Hume,  
 Joshua Thompson,  
 John Robbins,

Nicols Marsferro,  
 Richard Williams,  
 Robert Davis,  
 Francisco Chamales,  
 Wm. Jefferson,  
 J. H. Green.

*List of Prisoners at Ranches.*

|   |  |
|---|--|
| James Goodwin,<br>J. W. Robins,<br>Samuel J. Dooley,<br>Samuel Brown,<br>Robert Patten,<br>Robert Simpson,<br>Wallace Canada, | Antonio Smith,<br>William Graham,<br>Henry Johnson,<br>Ah Munn }<br>R. M. Duval, } Servants,<br>in the employ of Messrs. Henry<br>and McKenzie, of San Rafael. |
|---|--|

*Names of Prisoners not found.*

|  |  |
|--|--|
| Francisco Esparza,<br>Marcisco Galena,<br>E. J. Welsh, | Cecilio Mesa,<br>Vicente Bermandez,<br>Patrick Donnelly. |
|--|--|

*Names of Prisoners died since January 1st, 1856.*

|   |  |
|---|--|
| Augustus Hall,<br>William McKinley, } Drowned.<br>Ignacio Salcillo,<br>Charles Johnson, | Thomas Marshall,<br>James Neall, killed at an insur-<br>rection on Marin Island. |
|---|--|

*Names of Prisoners pardoned since January 1st, 1856, by Gov. Johnson.*

|   |   |
|---|---|
| L. E. Cushman,<br>Andrew Austin,<br>Charles Brown,<br>E. H. Mumby,<br>J. A. Bryant,<br>Henry Lippman,<br>Pat H. Dunne,<br>James Bryson,<br>Thomas Brown,<br>Thomas H. Hart, | John Price,<br>John Gibney,<br>W. N. Walker,<br>Charles Jones,<br>Samuel Snow,<br>Josh. Terrell,<br>R. F. Taylor,<br>George Fields <i>alias</i> Treadway,<br>Joseph Phillips. |
|---|---|

*Prisoners discharged since January 1st, 1856.*

|  |  |
|--|--|
| Pablo Contreras,<br>Ah You,<br>William Hull,<br>Michael Campbell,<br>David Armstrong,<br>James Graham, | Chas. Stevens,<br>P. Davidson,<br>Irwin Paine,<br>E. J. Read,<br>John McCarty, |
|--|--|

Yon Chew,  
 J. H. Harliss,  
 John M. Steel,  
 Lilaunarie,  
 John Gillmore,  
 James Kennedy,  
 James Duffee,  
 Nestor Reyes,  
 C. Valencia,  
 Thos. Aken,  
 James Lating,  
 Francis Williams,  
 Isaac Bryant,  
 Frank Taylor,  
 W. Kang,  
 James Rundock,  
 Francis Lopez,  
 Aaron Parrott,  
 Wm Runis,  
 Wm. Bennett,  
 Wm. Rell,  
 Samuel H. Dearborn,  
 Visalia Pedelles,  
 James Cotter,  
 John Martin,  
 Joaquin Valencia,  
 Michael Roach,

James Ingraham,  
 Louis Martinez,  
 John Contillon,  
 Jose M. Casta,  
 John Price,  
 William Wilson,  
 Ah Hum,  
 Charles Lange,  
 Jean Jose Lion,  
 Lawrence Smith,  
 Francis Noyaret,  
 Aueal Allen,  
 Frank Dixon,  
 Riley Maynard,  
 Miles Hussey,  
 John Thurston,  
 Jean R. Sepulveda,  
 John Grant,  
 Samuel Butterfield,  
 Santiago Raviso,  
 Anders Ramirez,  
 Wm. O Hara,  
 Laoni Ballarte,  
 Fernando Havios,  
 Frank Berry,  
 F. W. Huetz.  
 Santiago Olgin,

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*Prisoners Discharged by Writs of Habeas Corpus.*

John Hood, Padey Martin, and George W. Gaffney.

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Number of Prisoners turned over to James M. Estell by the Board of Commissioners on the 29th March, 1856, was four hundred and twenty-one (421) the number received by the present Lessee from that date to the 29th of January, 1857, was two hundred and seventeen (217.)

---

*Prisoners Escaped since April 1st, 1856.*

D. D. Pierson,  
 Robert Patterson,  
 Moses S. Worrell,  
 R. G. Abernathy,  
 Juan Castillo,  
 William Silverthorne,  
 Michael Geigan,

P. L. Escanavache,  
 M. G. Holstein,  
 Ah Gue,  
 John Gordon,  
 Ah See,  
 Lewis Sprecker,  
 Thomas Moore,

Hiram Welch,  
 Juan Flores,  
 Juan Gozzales,  
 Jose B. Somorano,  
 Thomas O. Brian,  
 William Smith,  
 Tah Yon,  
 Cyrus W. Denbler,  
 C. G. Smith,  
 Mark Aching,  
 William Freeman,  
 Theodore Huddlestone,  
 William Miller,  
 Frederick Speigler,  
 Benjamin Doyle,  
 Louis Bonnard,  
 William Clark,  
 George Howard,  
 Lewis Mahoney,

Ramon Barmiel,  
 Francisco Abarra,  
 Ramon Meramontez,  
 Ah Ring,  
 Edward Manley,  
 Charles Mitchell,  
 Charles E. Buckley,  
 Charles W. Watson,  
 King W. Folsom,  
 Andrew Fontes,  
 Daniel Miles,  
 Cail Gowan,  
 Cecilio Males,  
 Frank Ewing,  
 Thomas Brown,  
 Ah Seve,  
 Jesus Espinosa,  
 Armstrong Thurman.  
 Total.....51

---

*Prisoners escaped and retaken since April 1st, 1856.*

Y. Gonzales,  
 William Scott,  
 Loring Paine,  
 Charles French,  
 Conlardo Burgante,  
 Thomas Lynch,  
 Ah Fate,  
 Ah Oou,

James Williams,  
 John Sullivan,  
 Peter Thompson,  
 Nice Romero,  
 Frank Smith,  
 Jesus Moreno,  
 William Courtner.  
 Total.....12

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EXHIBIT NO. 3.

*Deposition of E. H. POMEROY, taken before the Committee of the Assembly on State Prison, January 29th, 1857.*

E. H. POMEROY, on his oath, says he has been connected with the State Prison at San Quentin, since about the 7th of February, 1856, as guard, till about the month of June, then as store-keeper for eighteen days, after that as Lieutenant of the guard till about the month of October; I was then made an agent for Gen. Estell outside the prison, and acted in that capacity till about the 2<sup>nd</sup> of December, and I have been acting as Commissary since the 1st day of January, 1857. When I first came to the prison a system of management called familiarly the "trusty system," by which certain convicts were allowed privileges not extended to others existed. These privileges consist in allowing those prisoners to sleep outside the prison walls—to go to different parts of the country on their parole, or rather on the permission of the officers of the prison. I believe General Estell



usually gives the orders directing that certain persons, prisoners, be made 'trustys,' and such persons are then used to go on errands, to work on ranches, to cook for the guard, to act as sailors, or in any capacity demanded by the wants of the prison. I have examined the schedule hereto annexed, containing the names of the different convicts now considered on the list of "trustys," with the memoranda therein noted, and believe it correct—I recognize them all as "trustys," except Esparz, whom I do not recognize. These men are not retained in custody by duress of imprisonment, but remain upon their word. Since I have acted as Commissary I have attended to the distribution of food to the prisoners. I feed about four hundred and eighty prisoners each day—their usual food during the month of January, 1857, has been :

|                   |                                   |
|-------------------|-----------------------------------|
| Ham,.....         | 1 $\frac{1}{4}$ lbs.              |
| Flour,.....       | 1 $\frac{3}{4}$ "                 |
| Beans, about..... | $\frac{3}{4}$ " each day per man. |

A copy of the issue sheets for each day for the month of November and December, 1856, and the month of January to date, 1857, is hereby annexed, marked "B." I issue the food to the cooks and bakers, and see that the entire quantity issued is properly prepared and distributed to the prisoners. In addition to the above food, I have often given the prisoners cabbage cooked in the form of greens, and served up with vinegar, shown also in the schedule ; occasionally mackerel is served up in the morning instead of ham, shown also in the schedule for the month of January, and the books show that the mackerel was issued before I became Commissary, but I cannot tell how or when they were served. The general food for the prisoners during the summer months was fresh beef of good quality, late in the fall corned beef was substituted for fresh. I have heard no complaint as to quality of the beef, but I have heard frequent complaints as to the quantity. I know from statistics the quantity of food usually distributed in other prisons, but I cannot tell what amount would be necessary, unless I could also know the kind of food distributed. The kind of food distributed here is entirely different from that distributed at the prison at Auburn, New York, with which I am most acquainted. There they vary the kinds and qualities, sometimes feeding the coarser and then the finer ; sometimes giving conserves with the coarser food and interspersing the finer with the coarser. I do not believe that any steady diet of the coarser food will keep prisoners in good condition. Here, for the last month, there has been little variation in the kind of food, and the quality of hams has been inferior. I have shown you to-day a fair sample of what has been used for food at the prison for the last month. The flour is not of the finest, but is generally sweet and unexceptionable. The beans are of Chili growth, and good quality. The prisoners complain of a want of blankets, and I believe that the want of such night covering must cause much discomfort, and believe there should be an additional supply not only of blankets, but of shoes, as some of the prisoners are entirely without shoes, and none of the prisoners are supplied with socks. The prisoners as a general thing, have had no tea or coffee issued to them, some few who have had hard jobs to do have been excepted, and none but the sick and a few "trustys" had sugar.

Questions by Gen. Estell.

I believe the system of "trustys" was continued under Gen. Estell as it was under the State, but I do not know when it was commenced.

E. H. POMEROY,  
Commissary of Prison.

Subscribed and sworn before me, this 29th day of January, 1857.

J. H. McKUNE,  
Of the Committee.

Howard, clerk and turnkey, residing at prison.  
 Lockwood, assistant physician.  
 Backus, clerk, office outside.  
 Evans, has charge of stock at ranch.  
 George Adams, at machine shop—sleeps there.  
 Raphael Gallento, watchman at ship yard.  
 Dooly, cutting timber.  
 Reynolds, on schooner Estell.  
 R. Thomson, cook at guard-house.  
 R. Duval, at Mr. McHenry's at San Rafael.  
 Mullen, on board sloop Pike County.  
 George Williams, at stable—sleeps there.  
 Gurbend, at San Rafael.  
 Hoepke, assisting physician, resides in small house outside prison.  
 Esparza.  
 Patten, at ranch.  
 Gillman.  
 Vanderhoff, sailmaker at sail-loft.  
 Canida, cutting timber.  
 W. Graham, Kentucky ranch.  
 J. Conner, assistant turnkey at prison.  
 Robins, Island.  
 Arsvral France, upholsterer, at small house outside the prison.  
 Pablo Massa, assistant cook at guard-house.  
 McCready, boatman at small house outside prison.  
 W. Valentine, cook at prison—sleeps outside the wall.  
 Anto Joaquin, Pike County.  
 H. Green, Island.  
 R. Wallace, Pike County.  
 Simpson, cutting timber.  
 S. Brown, stable—sleeps there.  
 H. Johnson, Kentucky farm, hauls vegetables to prison.  
 Cumming, Pike County.  
 Ah Mann, at Mr. McKensey's, San Rafael.  
 Robert Davis, Island.  
 J. C. Smith, boatman—sleeps at small house outside the prison.  
 McLaughlin, Pike County.  
 Chamales, Island.  
 Hassan, Pike County.  
 Marsfevio, Island.  
 Anto Smith, boatman—sleeps outside the wall.  
 Richard Williams, Island.  
 Escalantes, attending on sick Indian woman.  
 M. Jackson, servant to Superintendent—outside the gate.  
 Henry Gershoff, blacksmith—sleep inside the walls.  
 Thos. Godkins, do do do.  
 Clempson, Pike County.  
 Ambalos, assistant cook at guard-house.

Josh Thomson, Island.  
 Jose Pedro, cook at Island.  
 C. W. Valentine, Island.  
 Goodwin, Kentucky farm.  
 Frank Smith, cook on Pike County.  
 Thos. Johnson, assistant cook at guard house.

The foregoing is a list referred to in the deposition of E. H. Pomeroy.

Exhibit "B," referred to in the Deposition of E. A. POMEROY, hereto annexed.

*Amount of Issues for the month ending November 1st.*

Beef, 22,362 lbs. ; Hams, 3,778 lbs. ; Pork, 174 lbs. ; Bacon, 600 lbs. ;  
 Salmon, 247 lbs.

Average issue daily 876 pounds. Total, 27,161 pounds.

|                                      |                       |
|--------------------------------------|-----------------------|
| Flour—Issue per day, 741 pounds..... | Total, 22,986 pounds. |
| Coffee " " 18 .....                  | 560 "                 |
| Sugar " " 18 .....                   | 558 "                 |
| Tea " " 3 .....                      | 95 "                  |
| Lard " " 2 .....                     | 60 "                  |
| Potatoes " " 196 .....               | 6,076 "               |
| Beans " " 158 .....                  | 4,900 "               |

November 1st, 1856, number of convicts in prison, 486. Number of free men  
 64—employed as follows :

|                            |                      |
|----------------------------|----------------------|
| 1 Superintendent,          | 4 Sailing Masters,   |
| 1 Commissary,              | 5 Bricklayers,       |
| 1 Physician,               | 4 Shoemakers,        |
| 1 Drover, (buying cattle,) | 3 Lessees of Prison, |
| 4 Overseers,               | 1 Captain of Guard,  |
| 5 in Ship Yard,            | 34 Guards on duty.   |

Total.....64

|  |                |
|--|----------------|
| Beef killed during the month of October..... | 32,327 pounds. |
| Beef used for prison " " .....               | 22,362 "       |
| Beef sold " " .....                          | 1,987 "        |
| Beef salted down " " .....                   | 6,685 "        |
| Loss from gross weight, .....                | 1,293 "        |
|  | — 32,327 "     |

*Amount of Issues for the month ending December 1st.*

Beef, 16,546 lbs. ; Corned Beef, 2,049 lbs. ; Ham, 2,893 lbs. : Pork, 712 lbs.  
 Average issue daily 740 pounds. Total, 22,200 pounds.

|  |                      |
|--|----------------------|
| Flour—Average issue daily, 548 pounds..... | Total 16,452 pounds. |
| Coffee “ “ 9 “ .....                       | 276 “                |
| Sugar “ “ 20 “ .....                       | 611 “                |
| Tea “ “ $2\frac{1}{2}$ “ .....             | 73 “                 |
| Butter “ “ 8 “ .....                       | 243 “                |
| Potatoes “ “ 206 “ .....                   | 6,176 “              |
| Beans “ “ 142 “ .....                      | 4,250 “              |

December 1st, 1856, number of Convicts in Prison 469. Number of free men 55—employed as follows :

|                            |                      |
|----------------------------|----------------------|
| I Superintendent,          | 4 Sailing Masters,   |
| 1 Commissary,              | 2 Brickburners,      |
| 1 Physician,               | 4 Shoemakers,        |
| 1 Drover, (buying cattle,) | 3 Lessees of Prison, |
| 2 Overseers,               | 1 Captain of Guard,  |
| 3 in Ship Yard,            | 32 Guards on duty.   |

Total..... 55

|   |                |
|---|----------------|
| Beef killed during the month of November..... | 26,837 pounds. |
| Beef used for Prison, “ “ .....               | 16,546 “       |
| Beef sold, “ “ .....                          | 1 “            |
| Beef salted down, “ “ .....                   | 6,803 “        |
| Loss from gross weight, .....                 | 1,074 “        |
|   | <hr/> 26,837 “ |

*Amount of Issues for month ending July 1st, 1856.*

Beef, 8,103 lbs.; Corned Beef, 7,611 lbs.; Smoked Beef, 122 lbs.; Ham, 1,100 lbs.; Pork, 295 lbs.; Codfish, 200 lbs.; Mackerel, 3,162 lbs.  
Average issue daily, 664 lbs. Total, 20,593 lbs.

|  |                   |
|--|-------------------|
| Flour —Average issue daily, 625 lbs..... | Total 19,370 lbs. |
| Coffee “ “ 9 “ .....                     | 282               |
| Sugar “ “ 10 “ .....                     | 306               |
| Tea “ “ $4\frac{1}{2}$ “ .....           | 144               |
| Butter “ “ 6 “ .....                     | 183               |
| Potatoes “ “ 124 “ .....                 | 3,855             |
| Beans “ “ $222\frac{1}{2}$ “ .....       | 6,900             |

January 1st, 1857, number of convicts in prison 483. Number of freemen 36—employed as follows:

|                   |                           |
|-------------------|---------------------------|
| 1 Superintendent, | 1 Architect,              |
| 1 Captain Guard,  | 1 Contractor,             |
| 1 Commissary,     | 1 Sailing Master,         |
| 1 Physician,      | 3 Overseers in Ship Yard, |
| 1 Drover,         | 22 Guards,                |
|                   | 1 Overseer.               |

Total..... 36

|   |                |
|---|----------------|
| Beef killed in month of December.....           | 21,213 pounds. |
| Beef used for Prison, fresh, corned, and smoked | 15,836         |
| Beef sold " " " "                               | 2,735          |
| Beef remaining.....                             | 1,794          |
| Loss from gross weight.....                     | 848 21,213     |

*Amount of Issues for month ending February 1st, 1857.*

Fresh Beef, 1,408 lbs.; Corned Beef, 2,819 lbs.; Smoked Beef, 309 lbs.; Hams, 15,739 lbs.; Pork, 1,959 lbs.; Mackerel, 2,438 lbs.; Veal, 160 lbs.; Bacon 20 lbs.  
Average issue daily 801 pounds. Total, 24,852 pounds.

|                                 |          |                   |
|---------------------------------|----------|-------------------|
| Flour —Average issue daily, 682 | lbs..... | Total 21,154 lbs. |
| Coffee " " 14                   | .....    | 434               |
| Sugar " " 13                    | .....    | 410               |
| Tea " " 4                       | .....    | 136               |
| Butter " " 2 1-5                | .....    | 68                |
| Potatoes " " 33                 | .....    | 1,040             |
| Beans " " 280                   | .....    | 8,700             |

February 1st, 1857, number of convicts in prison 480. Number of free men 38—employed as follows :

|                   |                    |
|-------------------|--------------------|
| 1 Superintendent, | 1 Contractor,      |
| 1 Commissary,     | 1 Overseer,        |
| 1 Physician,      | 3 In Ship Yard,    |
| 1 Captain Guard,  | 3 Sailing Masters, |
| 1 Drover,         | 24 Guards,         |
|                   | 1 Architect.       |
| Total.....        | 38                 |

#### EXHIBIT NO. 4.

GEORGE W. WELLS being duly sworn before the Committee, deposes as follows:

Holds position of Captain of Guard for thirteen months ; has been employed in prison two one-half years. During the control of the Directors of the State there were employed on an average from 35 to 40 overseers and guards. His duties as Captain of Guard is to see to the safe keeping of convicts, to divide and prevent connivance for escape, and keep them employed. There are now employed for boating stone, bricks, &c., the following :

Sloop Marin, 70 tons freight, Captain and Mate and three or four convict sailors—more employed baling under a guard, Sloop Pike County, about 70 tons—same number. Schooner Mariposa, condemned. Three masted schooner Estell, about 150 tons ; crew free, Captain and Mate, and six convicts.

The vessels have been employed as follows :

Estell, in carrying brick at Mare Island.

Convicts employed on vessels are short timed men—two, three and four months to serve, and are locked under hatches.

It is the duty of the Captain of Guard to see them all locked at night and morning, and should any escape during the day he is immediately notified. Favors are shown to some that are not to others—depends on the conduct of

convicts. I have made on my responsibility trusties. The Superintendent and Gen. Estell have also. Have a list of trusties at my office ; permit them occasionally to leave ; in one case, contrary to Estell's orders, on my own responsibility, but in company with two or three employees.

James O'Niel was killed in May or June, 1856, at an insurrection on Marin Island, by one of the guards named Tucker. Some twelve or fifteen were interested in the insurrection ; were working in the lower stone quarry. O'Niel knocked one of the guard down and took his arms, then shot J. W. Hardy, one of the guards, through the window, where they were dining ; fired some four or five shots, only one effective, wounding Hardy.

Gen. Estell has three ranches worked by convict labor ; furthest two and one quarter miles ; the others about one mile each ; should suppose about eighty acres in all ; generally work from ten to fifteen trusties on the ranches—reliable men in short service, under the superintendence of free men, without guards ; they sleep at the ranches ; seldom or ever come to the Prison, except to bring vegetables and provisions ; names—Graham, Johnson, (Texas Jack) Dooley, Gilman, Patten.

One Ah Mun, convict, is at San Rafael as servant for McKenzie. Duval, convict, is now employed as laborer or family servant, with Mr. Henry, at San Rafael. No compensation to Lessee, to my knowledge. Francisco Esparza, a convict, I cannot recollect where he is by that name.

#### ESCAPES.

David Pearson was building Dr. Harris' house at San Rafael and escaped ; was entrusted without guard over night. Men were sent in search on the different routes, notifying inhabitants for fifteen miles, and at Saucelito Theodore Huddleston, *alias* Indiana, escaped from the Kentucky Farm during dinner time in the brush ; were three guards there at the time ; the table was near the brush ; guards were John Gery (here;) Williamson, (died on Pike County, and Young, now in Oregon. Thomas Moore and C. W. Watson, must have stowed away about the brick yard, and escaped from there during the morning ; did not know it until roll call at night. They had been employed the day previous on Kentucky Farm, with Huddleston, and were said to be unable to work the next day. Supposing they had stowed away I kept the guard out two nights. (No memorandum is made on the Prison books of the manner of their escape.) It is generally understood through the country that a reward of \$50 to \$100 is paid by the Lessee for recapture of convicts.

Ah Gue escaped from schooner Mariposa, at San Francisco. George Lee was Captain ; cannot recollect any report from him of the details, and no further memorandum on books.

William Freeman escaped from Kentucky Farm while hay making. Henry King, *alias* Dick Turpin, also escaped same time and was retaken. No guard there at the time. Freeman was seen at the Prison the night previous, but was expected to go out to the farm again. Freeman had been on the ranch not to exceed ten days without guard ; was within about one month of expiration of time commitment. P. L. Escaravache escaped from sloop Pike County, at Napa. Captain Morgan reports the vessel lying near wharf. A disturbance at a public house on the wharf drew the attention of those on board, and prisoner availed himself of the opportunity to secrete or escape. There was a guard on board. All efforts to find him were fruitless. Edward Manley, escaped from San Rafael, was a carpenter or bricklayer, and worked on Dr. Harris' house, escaped from the guard about 4 P. M., was not a trusty, and was locked up in prison nightly. Search was made as usual, without effect.

C. G. Smith, escaped from Kentucky Farm, think he was a trusty, was pressing or baling hay. There were others on the ranch at the time. He escaped during the night. I was made aware of it the following morning. Robert Patterson escaped the same day ; went together. He was employed by Captain Van Ranegan, at Corte Madeira ; was a trusty, had three or four months to stay ; had been in the employ of Ranegan for two or three weeks without compensation to Lessee or convict.

William Miller escaped singularly ; I was absent at the time ; he was seen just previous to bell ringing for evening, and must have secreted himself. He was a notorious scoundrel, and I endeavored to carefully guard him ; was seen inside of guard line, near the stable ; had been employed working on one of the boats in the ship yard ; kept guard for two or three consecutive nights, but did not succeed in capturing him.

Frank Ewing, escaped by concealment in the yard in the same manner as Miller. An arch was found in a large brick kiln some time after the escape, in which it is supposed they secreted themselves. They made the arch for this purpose when building the kiln. Ewing was locked up nightly in Prison.

Frederick Speigler, escaped from the Mariposa, Captain Norton, was at San Francisco unloading brick ; don't recollect whether he was a trusty ; think there was a guard on board ; don't recollect the details, and no further memorandum on books.

O. Thurman escaped from John Gray, guard, while cutting timber for ship building, across the Bay, on the Reed Ranch. Three or four men were in search of him for two days, unsuccessfully.

Some five or six convicts were taken daily from the Prison and returned each evening, and were locked up under charge of Gray.

W. Silverthorn and D. D. Pierson, escaped at San Rafael when employed as masons on Dr. Harris' house ; were trusties, and not in charge of a guard ; they were allowed to stop over night at San Rafael, and was informed that they had been drinking and carousing. Unless liquor had been furnished them they would not have left.

Daniel Mills, escaped from John Gray, in the same place and manner as Thurman ; he was cutting timber at the Reed Ranch ; he was locked up within the walls nightly.

Francisco Abano, Jose Somerano, Ramon Miramontez, Juan Gonzalis and Juan Flores escaped by overpowering and disarming the guard on a scow going for red wood to burn kiln. Fred. W. Russell was the only guard on the scow ; the scow was near the mouth of a creek ; they landed and escaped. Baldwin, one of the guards, had previously landed. They were lock-up prisoners.

Thomas Bowen escaped from sloop Pike County at San Francisco, Captain Johnson, loading sand for Prison.

Ah See and Ah Save escaped same time and place. Captain Johnson agreed to guard prisoners while the guard went on some business ; he neglected to pay proper attention, and they escaped. Neither of the three prisoners were trusties. This was their second or third trip.

Thomas O'Brien and Michael Geiger escaped from the schooner Mariposa at San Francisco, unloading brick ; do not recollect the circumstances, and no further report on books.

George Howard escaped from the guard-house ; was a waiter in the dining-room ; was a trusty, and allowed to sleep out ; ran off during the night.

Cecilia Males escaped by secreting himself in the brick-yard ; was employed in loading boats ; was locked up nightly inside the walls.

William Smith escaped while cutting timber on the Reed ranch for building purposes of Prison ; was under guard at the time ; was locked up nightly.

Andrew Fentze escaped ; think he stowed away in an unburnt kilu on the Point ; kept guard for two nights on the kiln.

John Gordon (colored,) escaped from schooner Estell ; was a trusty on board as cook ; escaped at San Francisco ; term of service had nearly expired.

Juan Castillo escaped from scow ; were loading wood up Corte Madera creek ; there were eight men in the gang, under charge of two guards ; Castillo and the others had been employed for several days at that business ; were returned and locked up nightly.

Mark Achong and Te Yon escaped from sloop Pike County, at San Francisco ; H. Bristol was on guard ; a large number of Chinamen were employed in that vicinity, at Humboldt wharf, cutting up vessels, and he could not designate them after they got mixed with the others.

M. S. Worrell, Hiram Welsh, King W. Folsom and M. G. Holstein escaped from camp across the Bay, just back of Corte Madera, while cutting timber for G. W. Wood, (lessee of the saddlers ;) they were all short time men, under Wood's control, and escaped during the night ; were all trusties, and had no guard ; they were camping over there for five or six days.

Louis Bromard and Jesus Espinosa escaped by concealment somewhere within the limits of the Prison guard ; were locked up regularly nightly ; never could ascertain definitely how they escaped.

Charles Mitchell escaped from guards Watson and Safferty, about one and a half miles from Prison ; Mitchell and another prisoner were engaged in building a chimney for Watson ; both attempted to escape ; Mitchell was successful, while the other was wounded and returned.

Ramon Ramiel and Cyrus Dibbler escaped at meal-time at the wood-pile on Corte Madera creek ; were employed in scowing wood ; managed to get around the wood-pile and escape in the bushes ; Rockwell and Tisdale were the guards ; the prisoners were regularly locked up at night.

#### PUNISHMENT.

I have the inflicting of all punishment ; I use a raw-hide or leather strap ; any violation of Prison discipline, such as attempts to escape, insurrections, stealing, using offensive language, fighting, unnecessary noise, disorderly or vicious conduct, render them liable ; do not recollect ever giving over one hundred lashes at one time ; ranging from five up. No other person employed in Prison is permitted to inflict any punishment, except during my absence, when I deputize some one ; but the business is generally laid over until my return.

#### CLOTHING.

For the past eight or nine months I have issued all the clothing to prisoners ; they are as well clothed at present as at any time since I have been here ; I think the prisoners sufficiently clad at present for comfort, with the exception of shoes. At the time Estell took the Prison there was a quantity of shirts and pants, since which he has purchased and had manufactured here such as are at present worn ; I think each prisoner has a weekly change of clothing, but am not positive as to the past four weeks. Mr. Gordon has had control of that department ; considers it almost indispensable to have a uniform style of clothing, such as is worn by convicts in most all the Eastern States. There is no established rule making it compulsory for prisoners to wash or change clothing weekly ; consequently some are quite filthy.

Complaints have been made of the scarcity of blankets ; the condition of such as they have is tolerably good. There is a sufficient number of mattresses



at present ; when a deficiency arises, we manufacture them from the material on hand. Men are deputed to cleanse the prison and cells daily, and purify as often as may be deemed necessary. The ventilation of the lower room is ample ; of the upper, fully sufficient to preserve the health of occupants, either in winter or summer. Occasionally they have tea or coffee, but it is not usual.

Subscribed and sworn to before me, this 29th day of January, 1857.

GEO. H. ROGERS, Chairman.

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### EXHIBIT NO. 5.

C. E. MEREDITH : Was Commissary or store-keeper from January 1st, 1856, and remained three days in the employment of the present Lessee, Estell. On the 1st of January, 1856, we found the prisoners without clothing or bedding, and extremely filthy. We immediately procured the articles needed and burnt such as were then used by prisoners. The articles furnished at the time by the Directors were good, substantial and comfortable woolen clothing and bedding, also boots and shoes, two suits being furnished each prisoner. After the issue of two suits each, such as were employed in service requiring more we furnished from the same invoice. On the last month, say March, another invoice of clothing was received from Gift, a small portion only of which was given to the prisoners by the Directors, and balance consisting of 300 or 400 pair of pants, 100 pair of blankets, etc., which, together with the balance of previous or first lot were delivered to the present Lessee. W. L. Smith, then Warden, took an inventory of all property delivered to present Lessee. During my stay at the prison under the Directors the provisions and clothing furnished were ample and of good quality generally, with few exceptions, and very few complaints were made by guards or others using same. About the 1st of August I was again employed by Gen. Estell, as guard on post, which position I occupied for two months, and then resigned. I was informed by Estell, on the sloop *Ida*, on my passage from Marin to San Francisco if I would return I could have the position he intended for me, which was the Superintendent of the yard. I returned and held this position for one month. A difficulty occurred between me and an overseer about the employment of two convicts, Mr. Hull about that time, which was reported to Estell. The consequences were that I handed in my resignation to the clerk during the absence of Estell—on his arrival, at my request, he accepted the same, and I left : when I returned about August 1st, the prisoners were then wearing the same clothing purchased by the State, after which Estell bought some blue and white cotton goods which were manufactured by the prisoners into shirts and pants. He also purchased a small quantity of very inferior shoes, which is the total of all clothing purchased during the time I was there. The prisoners generally during the latter part of my term were very poorly clothed, in some cases with scarcely sufficient to hide their nakedness ; some few were furnished by their friends with the necessary clothing.

Messrs. Graham and Pomeroy through the clerk, Mr. Backus, were the parties who ordered the provisions, the quantity of which was very limited, being not sufficient for men confined, without employment, and nearly all were actively employed, producing murmuring and discontent among both employees and prisoners, several of which employees left stating that to be the cause. Neither sugar or coffee was given to prisoners during my stay, nor for a portion of the time to the employees. One Spanish beef, averaging 350 pounds was killed daily, the best portion of which was sent to San Francisco, to Graham and Estell, and sold or gave away to other parties at San Rafael and the vicinity of the prison. The pris-

oners would come to me frequently after finishing their tasks at the brick yards, and beg to be allowed to go into the corral and get the offal, which being permitted, they would devour the same, and in some cases without being cooked ; from seeing the quantity set at the table and the voracity with which they devoured the offal, I am able to state they were not half fed. At one time there were a large quantity of damaged hams arrived from San Francisco, which were so poor and injurious to the health that Dr Lockwood, a prison doctor, (convict deputy) stated to me that they were poisonous, and unless Estell gave the prisoners fresh meat or a change, he would kill all the prisoners ; that at that time there were forty on the sick list, and two deaths ; a large portion of the same was eaten by the prisoners and the balance was thrown to the hogs, and not being eaten by them, were collected and burned.

The treatment of a female convict in extremely delicate health by the Superintendent, Mr. Graham, has already been published, and which for cruelty is unparalleled.

Estell employed about 20 or 25 guards, whilst the Directors had from 35 to 40. More of the convicts were employed at various occupations outside and away from the Prison during the reign of Estell than when under the Directors, consequently the necessity of more guards to prevent escapes, which were almost daily. Paddy Martin, sentenced from San Francisco, for rape, for seven years, lived on the outside of the Prison grounds, and never had a key turned on him whilst I was there, to my knowledge. His wife occasionally called to see him, and stayed two or three days. During the last two months I was there he lived in San Francisco, having left in company with Estell, on same boat. Whilst I was in San Francisco (two months afterwards) he either gave himself up or was confined in that County Jail.

Rodman Backus, and some 20 others, termed "trusties," lived outside of the Prison walls entirely, and were never under lock and key during my employ. A large number of the escaped are persons termed "trusties" so appointed by Estell and head Agent. One man, sent from El Dorado, for mule stealing, (can't recollect name,) was never locked up, and next day after arrival was sent in a gang across the Bay to cut timber, by orders of Estell, and escaped. The gang were composed of six or eight "trusties," and had no guard with them. One of the convicts returned next morning and gave the information of his escape. The prisoners were employed during the winter months, while under the Directory, in grading the yard inside of walls and digging out clay for brick making, and when Estell took possession everything was in readiness (tools included) and in complete order for a remunerative spring business. When I left, about the 1st November, there had been very few additions to the necessary implements.

I went there about the first of December, 1856, in charge of three prisoners, two from Trinity and one from El Dorado. I found the same State's clothing, or what there were left of same, on the prisoners, some without either boots or shoes. I arrived after dark, and could find no free men there to receipt for prisoners. A man by name of Howard, convict from San Francisco, signed the name of Estell, and Wells, Captain of Guard, on the receipt. The next morning I made inquiry who were the officers, and ascertained that Howard was Assistant Captain of Guard, McLean was acting as Superintendent, and Gallagher as Commissary, Backus a clerk, all of whom were convicts, and, except Howard, slept outside the walls.

C. E. MEREDITH.

Being duly sworn before the Committees, states that evidences herein contained is the truth and nothing but the truth.

February 9th, 1857.

## EXHIBIT NO. 6.

WILLIAM PURSLEY, of Marysville, being duly sworn before the Committee, deposes:

Was employed by General Estell for about two months as Superintendent of brick making, commencing on April 27, 1856, was also living in the vicinity for about two months, and was at the Prison nearly every day during the four months.

When I first went to the Prison, the prisoners were well supplied with clothing, blankets, &c. Prior to my leaving the men became destitute, in some cases being compelled to use and make up clothing from old flour sacks, &c. To my knowledge there was no clothing brought there, or any furnished during my stay. The reason my attention was drawn more particularly to these facts, was owing to my application to the Store Keeper, Mr. Henry, for flour sacks for use, and who informed me that they had been all used as above stated, and that several of the best working men were confined solely for the reason that they had neither clothing or material to manufacture them. For about three weeks prior to the time I left, the prisoners were fed on bad bacon only, which is said to have caused sickness, and in one case death. The bacon was actually offensive

I know of several escapes during my term, some of whom were recaptured. I have frequently seen prisoners termed "trusties" in San Francisco, walking the streets without guard. McLean, sent from Sacramento City, for grand larceny, for, I think, ten years, was employed as an Overseer of a gang of convicts outside the walls, and I was informed by one of the guard, that at the time of being shot by Gallagher, a convict, he was allowed to sleep outside the walls. Paddy Martin, from San Francisco, was never confined and occupied a small brick building, furnished him by Estell; and the general report in Marin was that he paid Estell \$3 per day for his time. His family were allowed to visit him at any and all times. I am of the opinion that there were manufactured during the past season by convict labor about 7,000,000 bricks, which, at \$7 per thousand, would pay for keeping and clothing convicts, and all other expenses of the prison, during the brick making season—of about six months.

WILLIAM PURSLEY,

Subscribed and sworn to before me,

GEO. H. ROGERS, Chairman.

SACRAMENTO CITY, February 17th, 1857.

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EXHIBIT No. 7.

WM H. WOODCOCK, of Marysville, being duly sworn before the Committee, deposes :

About the middle of last July, I arrested, in my capacity as Police officer, at Marysville, a man convicted of grand larceny at Coloma, by the name of Edward Phelps *alias* Dick Turpin, who I knew had escaped from Marin State Prison. I confined him in the station-house for about a week or ten days, and could have arrested him before had I thought it necessary. On the day of his arrest I wrote to Gen. Estell, directing the letter to "Gen. J. M. Estell, Lessee of State Prison, State of California," stating the fact of his arrest, description, &c. Not receiving any answer to same, I wrote to some of my acquaintances at San Francisco, who informed me that I would not be paid the expense of

keeping and returning said prisoner, and I released him. Since that time I have seen several other escaped convicts, but I could not pay the expense of returning them from my own resources.

WM. H. WOODCOCK.

Subscribed and sworn before me, at Sacramento, Feb. 18th, 1857.

GEO. H. ROGERS, Chairman.

### EXHIBIT No. 8.

OFFICE OF THE ATTORNEY GENERAL, }  
February 7th, 1857. }

Hon. G. H. ROGERS, Chairman State Prison Committee :

SIR :—I have received your note of yesterday in relation to my understanding of the effect of the decision of the Supreme Court (in the case of *The People ex rel. v. Johnson Noles*.) upon the State Prison contract entered into under the law of 1856.

In answer to your inquiries, I desire to state that in my opinion it necessarily results from the decision in that case, that the law of 1856, appropriating, as it does, large sums of money to the Lessee of the State Prison, is unconstitutional and void ; that the contract entered into under that law is also void, and that under said contract the Lessee has no vested rights whatever. If the law itself is a nullity, the contract entered into under that law is also a nullity, and is void ; and a void contract cannot vest any rights in either of the parties to it.

Respectfully yours,

W. T. WALLACE,

Attorney General.

### EXHIBIT No. 9.

SENATE CHAMBER, Feb. 13th, 1857.

HON. RICHARD M. JESSUP, of the Special Committee of the Assembly on State Prison :

DEAR SIR :—Your communication of the 10th, on behalf of the above-named Committee, requesting answers to the several interrogatories therein contained relative to the Act of March, 1856, creating a Board of State Prison Commissioners and defining their duties, has been duly received, and I beg leave to answer your several interrogatories as follows :

*Interrogatory 1st.*—In regard to the first inquiry, the Board of Commissioners adopted in June last the old rules and regulations of the Directors, then in force at the State Prison and conspicuously posted, which have not been altered or amended since ; a copy of which I am unable to furnish.

*Interrogatory 2d.*—In regard to your second inquiry, I beg leave to say that I have no personal knowledge as to the *daily* attention given by the Directors to the enforcement of said rules and regulations, and have never been officially informed of any delinquency on their part, or delinquency on the part of the Lessee. I received but one letter from any of the Directors, which was from Mr. Alex. Bell; the contents of which are not distinctly remembered, but I think referred solely to the subject of rules and regulations.

*Interrogatory 3d.*—Section 5th of said Act requires the Board of Commissioners to visit the Prison from time to time, &c., fixing no definite period, thereby rendering several efforts made by myself to visit the Prison, in company with the other Commissioners, ineffectual, by reason of the distance of my residence from theirs, and non-conformity of their business engagements with mine; though Col. Whitman, one of the Commissioners, has informed me from time to time that he had made visits to the Prison in accordance with the law, and found all things right. The Commissioners, as a Board, have made but one visit to the Prison, which was in the latter part of March or first of April, 1856.

*Interrogatory 4th.*—I have received the sum of \$260 80, in Controller's warrants, under the above Act, and an Act approved April 19th, 1856, to pay the Lieut. Governor for services as member of the Board of State Prison Commissioners; and know of no sum received by the other Commissioners.

Respectfully,

R. M. ANDERSON.

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### EXHIBIT NO. 10.

SACRAMENTO, Feb. 7th, 1856.

To the Hon. Committee on State Prison from Assembly, State of California :

GENTLEMEN :

In compliance with a request from your Committee I submit to your consideration the following fact connected with the management of the State Prison for the past year, viz :

After entering upon the duties as one of the Directors of the institution above referred to, I opened a correspondence as Director and Secretary of the Board of Directors, with the then "Inspectors of the State Prison," namely : His Excellency Gov. Johnson, Hon. David F. Douglas and Hon. G. W. Whitman, all of which I have heretofore submitted to your inspection, believing it important as testimony to justify me in the course I have pursued in the small share I have had in the management of the Prison up to the present time.

As you will find from the correspondence the facts referred to, I deem it unnecessary to recapitulate the same, consequently I will give you in few words the history.

Gen. J. M. Estell took possession on the 29th of March, A. D. 1856, as Lessee, and before taking possession he had supplied by A. M. Hay five thousand dollars in provisions, and is now justly indebted to the State in that sum. He has to my knowledge, since he has had charge of the Prison, turned loose on the community in San Francisco, a horde of convicts; also, in the county of Marin the same has been done, and in place of his carrying out the spirit and intent of the law, the contrary has been the fact. In regard to the number of

escapes I need not refer, presuming you have examined his books, which I had no right to do under the law.

When the Lessee took possession he claimed, under the contract made with the Commissioners, the right to possession of all property, consisting of hogs, horses, cows, oxen, machinery, provisions, &c, belonging to the State. At the State prison included, was as above referred to, not only the quantity purchased and supplied him at or after the time of his making the contract, but also a large quantity on hand at the prison, (E. Meredith will testify as Commissary,) all of which should have been charged to said Lessee, in Justice to the State; but as you will notice from the correspondence with Commissioners who let the contract, I have been unable notwithstanding all my efforts to once see the contract, nor do I officially know there to be one in existence. The Commissioners gave possession to the Lessee without even notifying the Board of Directors that they were authorized by law to do so, and have never furnished me with the slightest information as to any rule or law that should govern my course as a Director. Immediately upon the Lessee taking possession, I was given to understand both by him and his agent, that I must give possession of the rooms I occupied, one as an office and the other as a bed room, which was accordingly done, as I understood the State had leased him all the property reserving nothing for the Directors on which to either subsist or live, not even a house to cover them—he saying that when I was at the prison I could be his guest. My position after being elected by the people I thought should have at least protected me from insult and humiliation, but I regret to say to your Honorable Committee that such was not the case.

While looking on and protesting against the villainy being perpetrated on the State I have not had even the consolation to know that I could prove what I could swear to, and knew to be the facts. In connection with this matter permit me to refer to the testimony of one Will. Hicks Graham, who swore to the reason why I had to leave the prison, and that it was because I had a large family to feed, etc. This may be the reason, but such was not indicated to me by Gen. Estell; so far from it, both him and his agent knew that I bought my own provisions and was no tax to him further than a small quantity of miserable poor beef, such as was not in my opinion, even suitable for any human being, and I called the attention of the agent to this fact, who was aware of the whole matter. In fact the object to be attained was simply to get rid of my supervision, and this they succeeded in doing. In regard to the note given to A. M. Hay, I personally know nothing—the evidence is before you from which to draw your own conclusion.

Should the Legislature determine to abolish the office of "State Prison Director," I should certainly suggest respectfully to your Honorable body, to recommend the passage of a law to give some one the right to control, to some extent, the management of the institution while farmed out. The Honorable Attorney General together with eminent counsel, have unqualifiedly assured me that the law giving the right to lease or farm out the prison as done, was unconstitutional. Messrs. Jas. Baldwin and Gov. Foote, Crittenden, and others, are the counsel alluded to; this, however, you have already investigated, no doubt.

As I before remarked, on the the 29th day of March, A. D. 1856, said Lessee took possession, and on the 30th of the same month, drew his warrants for \$10,000, and I presume has continued to draw in advance the same amount every month up to the present time; and in addition to this, had supplied him something near \$10,000 worth of supplies, together with a large amount of perishable property, such as horses, hogs, oxen, carts, mules, cows, machinery, vessels and rigging, all of which will be entirely consumed ere this contract ceases.

As soon as the law was passed, the contract was given to the present Lessee; and even before it was known that the Commissioners had received their appointments, I heard the Lessee make a bet that he then had the contract, the other

party saying that "I would give the amount to know that you had it," (meaning the contract.)

Permit me, gentlemen, to again refer to charges that may be or have been made against me for neglect of duty. I have only to refer you to circumstances as before stated, and also to the following named gentlemen : the Hon. Attorney General, Richard Roman, Hon. J. J. Kendrick, Assembly ; Robert Haley, Esq. and J. F. McCauley, to satisfy your Honorable Committee that I have done all an honorable man could have done under the circumstances. Whatever pecuniary embarrassments the course pursued by these parties have entailed upon me, do not compare with the humiliation I have been compelled, as a public officer, to submit to ; and allow me to say, in this connection, that I am satisfied that the plan to defraud the State was conceived in fraud and brought forth in iniquity, long since ; and I hope by patient investigation upon your part, and the little assistance I can render you, you will ere long be able to ferret out the guilty parties, and consign them to the fate they so richly merit.

In conclusion, gentlemen, allow me to state to you my opinion in regard to the present system and management of the Prison, I regard it as a disgrace to the State, which in any other country would not be permitted to exist. From the day that the Lessee took possession, his whole object seems to have been to keep secret his management. Situated upon an almost isolated point, far from the public gaze, he and his employees have been known to do acts heretofore unheard of in a civilized community, and when it was known, and a committee sent to investigate his management, I presume he made his arrangements accordingly. I have myself seen convicts stalking through the streets of San Francisco in broad daylight, without even the right to interfere. I have been cognizant of the fact that large numbers have escaped, and no reward has been offered by the Lessee or the Commissioners, and no effort made to protect the citizens of the State from their depredations.

I have the honor to submit the above, and remain your obt. servt.

ALEX. BELL,

State Prison Director.

#### GENTLEMEN :

Permit me to add to the foregoing some reasons why I feel anxious that there should be some one to supervise the acts of the Lessee, (he having the right under the law to re-lease to other parties.) Under the existing law it is a well known fact that where there are so many employees hired at a small monthly salary some may be on *guard* or in *employ* who might be willing, for a consideration, even without the knowledge of the Lessee, to permit them to escape—these escapes have been and will continue to be a sore curse upon our State, particularly to the counties of Monterey, San Luis Obispo, Santa Barbara, Tulare, San Bernardino, San Diego and Los Angeles, and in order to protect the interest and lives of the citizens of these counties I respectfully ask of your Honorable Committee to recommend the passage of some law calculated to check this evil as it exists ; and permit me to state to your Honorable Committee, that in my opinion, if the present system above referred to had not been adopted the lives and property of many valuable citizens would have been saved to the State. You, gentlemen, no doubt recollect the geographical position of the southern counties, particularly San Diego,

Los Angeles and San Bernardino. Exposed as they have been, not only to the ravages of a horde of robbers, thieves and murderers, who have been headed by escaped convicts, but the peculiar locality has invited all renegades; and to add to this is the misfortune of having had no rain for nearly twelve months past, Los Angeles and San Diego counties have been made the receptacle of two thirds of the villains who had left the Northern portion of the State, and as my home has been in the lower country, I desire in the discharge of my duties to particularly direct your attention to this matter.

I remain yours, respectfully,

ALEX. BELL,

State Prison Director.

### EXHIBIT NO. 11.

Captain ROBERT HALEY, resident in the City of San Francisco, being sworn before the Committee, deposes as follows :

Has heard that a note for \$5,000, drawn by J. M. Estell, was given to A. M. Hay, and by him turned over to McKenzie, afterwards discounted by J. F. McCauly. McKenzie told me that he had received the note from Hay after it was discounted by McCauly. Does not know what the note was given for, and declines giving the conversation between him and McKenzie, owing to its being of a strictly confidential and private nature. This conversation took place while I was in Sacramento—during last session of the Legislature—endeavoring to prevent the passage of a bill abolishing the State Prison Directors. In a conversation with J. M. Estell I succeeded in persuading him to withdraw his objections to its passage.

ROBERT HALEY.

Sworn to before me,

GEO. H. ROGERS, Chairman.

SAN FRANCISCO, January 31, 1857.

### EXHIBIT NO. 12.

A. M. HAY, of the City of San Francisco, being duly sworn before the Committee, deposes as follows:

I have received from J. M. Estell a note to my order for \$5,000; don't recollect the date of the note, time to run, or time of receiving the same. The note was for a valuable consideration, but decline stating the consideration. I indorsed the same without recourse, and loaned it to a friend, (decline stating his name,) by whom it was placed in the hands of a broker for discount. I was reimbursed for



the use and face of same to my satisfaction by the party to whom I loaned it; don't know whether it was paid at maturity.

ALFRED M. HAY.

Before me,

GEO. H. ROGERS, Chairman.

January 31, 1857.

### EXHIBIT NO. 13.

J. F. McCAULEY, being duly sworn before the Committee, deposes as follows :

I resided in San Francisco from January 1st to February 5th, 1856, then left for the Eastern States. I furnished beef for the Prison at Marin from January 1st to March 29th, inclusive; when absent, it was furnished by my agent, Mr. Jas. S. Thuston, according to a contract with the Directors now on file in the Controller's office. The beef was killed at San Francisco, and owing to calms and hot weather, on one occasion it spoiled on the passage to Marin, which resulted in the correspondence between Director Bell and myself, as shown in his letters. There was an appropriation for the Prison, passed by the Legislature February 14th, 1856, of \$15,000. I did not receive any portion of that appropriation, and I have recently ascertained that it was not intended for previous indebtedness, but for future contingencies. I received a portion of an appropriation made by Legislature April 7th, 1856, of \$32,000, but do not recollect amount so received; think it was about one-half of my account. I hold a note (shown) drawn by J. M. Estell and Archibald Woods for \$5,000, payable November 1, 1856. I advanced money on this note at the request of McKenzie, in San Francisco. Mr. Bell and the other Directors did not agree on matters pertaining directly to the control and management of the State Prison. Complaints were made by Bell about the quantity and quality of provisions, clothing, &c, which irritated the other contractors. So far as my knowledge extends, Mr. Bell has conducted and managed his duties, as State Prison Director, honestly and fairly.

JOHN M. McCAULEY.

Subscribed and sworn to before me this 9th day of February, 1857.

GEO. H. ROGERS, Chairman.

### EXHIBIT NO. 14.

LEONARD SMITH, resident in the city of San Francisco, being duly sworn, deposes :

Was Deputy Warden of State Prison at San Quentin from January 1, 1856, to April 1, 1856; during that time the provisions were furnished by F. F. McKenzie, Warden. Bacon was of a poor quality, and condemned by a committee appointed, consisting of Messrs. Knox, Haralson, Brooks and Stocker. The

flour was of second quality, but sweet; the fresh beef was of good quality. Coffee was served twice each day. A large quantity of beans (say 25,000 lbs.) were condemned by the above Committee of four. There was a large quantity of clothing and provisions on hand, which were paid for by the State at the time Estell took charge. Everything was in readiness for the commencement of the Spring labor of convicts to be remunerative. Gen. Estell took possession of all the buildings, furniture, bedding, &c., belonging to the State, and occupied by the Directors. I have seen quite a large number of prisoners in San Francisco since the present Lessee took possession—on Montgomery street, at the Hotels, and other places, without any guard.

LEONARD SMITH.

Sworn to and subscribed before me; January 31st, 1857.

GEORGE H. ROGERS,

Chairman.

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EXHIBIT No. 15.

*Before the Committee of the Assembly of the State of California to investigate matters of the State Prison.*

MARTIN E. COOKE being duly sworn, says :

That he is acquainted with Gen. Estell, Lessee of the State Prison ; that he (witness) resides in Sonoma county ; that he is acquainted with one Francisco Esparze, who was convicted in the summer of 1855, in the Court of Sessions of the county of Sonoma, of the offense of grand larceny, and sentenced to imprisonment in the State Prison for a term of two and a half years. Witness, on the evening of the 26th day of January, 1857, was at the International Hotel in San Francisco, and the said Francisco came into such hotel and had a conversation with witness about his imprisonment, during which the said Francisco informed deponent that he had been living in San Francisco with Gen. Estell for more than two months last past ; that he desired deponent to get a pardon from the Governor for the offense, as he did not wish to remain under the disability of a convicted felon ; that he did not have much to do at Gen. Estell's. Deponent says that said Francisco at said interview was well dressed, having nothing about him to indicate that he was a convicted felon. Said Francisco, on his trial in Sonoma county, pleaded guilty to the indictment on which he was sentenced. Said Francisco requested to see deponent this evening (Jan. 27th,) at the International, and said he could and would call at six o'clock, P. M.

MARTIN E. COOKE.

Sworn and subscribed this 27th day of January, 1857.

GEO. H. ROGERS,

Chairman S. P. Committee.

## EXHIBIT No. 16.

WM. HICKS GRAHAM being sworn before the Committee, deposes as follows :

I took charge of the State Prison on the 28th or 29th of March, as Superintendent ; remained in that capacity until about October 8th, 1856 ; the evening I took charge, Messrs. Bell, McKenzie and Wilson, Directors, were present, and an inventory taken, by their order, a copy of which is now on file in the Controller's office. Under the law it is made the duty of the Commissioners to prescribe the rules and regulations for the government of the Prison ; I accordingly desired Col. Whitman to furnish such copy of rules and regulations, and was told to go on and govern under same rules as established by the Directors, and I believe my discipline was the same as carried out by them. When I took charge, neither money nor valuables belonging to prisoners were handed over to me, which is made the duty of the Warden or his deputy to give to his successors in office. Gen. Estell was desirous that Col. Bell should leave the Prison, for the reason that he objected to the support of Bell's family, but was willing to afford room and subsistence for Bell himself. Since the 8th of October, I have acted in San Francisco as the agent of Gen. Estell. During my term of office as Superintendent, the average quality and quantity of food for prisoners was equal to that of laborers generally throughout the State of California.

WILL. HICKS GRAHAM.

Subscribed and sworn before me, January 31st, 1857.

GEO. H. ROGERS,

Chairman of Committee.

## EXHIBIT NO. 17.

Captain George Simpton shows a copy of rations for U. S. Revenue Marine from Secretary of Treasury of U. S. now extant, and for which the contractor receives 45 cts. per diem. All articles of first quality.

## WEEKLY (OMITTING DAILY.)

|                  |                       |
|------------------|-----------------------|
| Beef.....        | 4 lbs.                |
| Pork.....        | 3 lbs.                |
| Flour.....       | 1 lb.                 |
| Rice.....        | 1 lb.                 |
| Dried Fruit..... | $\frac{1}{2}$ lb.     |
| Pickles.....     | $\frac{1}{2}$ lb.     |
| Biscuit.....     | 98 oz.                |
| Sugar.....       | 14 oz.                |
| Tea.....         | $1\frac{3}{4}$ oz.    |
| Coffee.....      | 7 oz.                 |
| Coco.....        | 7 oz.                 |
| Butter.....      | 4 oz.                 |
| Cheese.....      | 4 oz.                 |
| Beans.....       | $1\frac{1}{2}$ pints. |
| Molasses.....    | $\frac{1}{2}$ "       |
| Vinegar.....     | $\frac{1}{2}$ "       |

A copy of the above named rations were furnished Mr. Bell by Captain Simpton at Bell's request, as an Index or Guide for provisioning the Prison after his election as Director.

G. SIMPTON.

Sworn before Committee this day, January 31st, 1857.

GEORGE H. ROGERS,

Chairman.

### EXHIBIT No. 18.

DAVID CLINGHAM being duly sworn before the Committee, deposeth :

That from the 6th day of June, 1856, to the 29th of January, 1857, he has purchased and delivered to the State Prison 346 head of cattle, which have been slaughtered and consumed by the prisoners and attachés, to his knowledge, during that interval, with slight exceptions, say averaging 30 lbs. per day, sold in the neighborhood.

D. CLINGAN.

Subscribed and sworn to before me this 29th day of January, 1857.

GEO. H. ROGERS, Chairman.

### EXHIBIT NO. 19.

JOHN C. GORDON, being duly sworn, says:

Have been acting Superintendent of the State Prison since the 21st day of December, 1856. I acted as Superintendent of the State Prison for the State of Missouri, for about 13 years, ending in the fall of 1853. One of the first objects in a State Prison is to separate the prisoners, and prevent communication. I have found it impracticable to separate here the prisoners, and there has not been accommodations in prison rooms to allow all the prisoners to sleep inside the walls with comfort. In my opinion the locality here is not suitable, and I think it would be better to divide the prisoners and have separate localities. There are a great many prisoners out of clothing for winter—they lack shirts. They ought to have enough for a change. I am of opinion the class of prisoners will not allow of extensive manufacturing. It seems to me that the natural aversion of the prisoners will be such that there should be branches. I think a large portion of the prisoners could be best worked at cutting stone and making brick. I have been here a little over a month, and never was here before. I have not been sufficiently acquainted with the working of the prisoners to know whether they could be removed advantageously or not. These are new crude opinions formed hastily, having been here but a short time.

JOHN C. GORDON.

Subscribed and sworn before me this 29th day of January, 1857.

GEO. H. ROGERS, Chairman.

JOHN C. GORDON, Superintendent California State Prison, upon oath:

I believe that under ordinary circumstances there are a sufficient number of guards to safely keep the prisoners; I do not know that they are sworn to a faithful performance of duty; I have been told that they were not sworn. I do not know of my personal knowledge whether they are promptly paid or not, but many of the employees have told me they could not get their pay as it was promised them, and talked of leaving in consequence of the difficulty they had in getting their pay.

I believe the employees have had reason to find fault with the food furnished them, or rather, that the proper supply of some necessary articles of food were not furnished. I do not think the prisoners are now being furnished with a sufficiency of good wholesome food. This state of partial want has existed for several days, and has caused me much anxiety. Their food during this time has been light rations of bread and mackerel or corned beef. It is not customary to furnish the convicts with either tea or coffee—except in sickness. There is a deficiency in clothing. Among the first of my orders upon the Lessee I named the articles of shirts, shoes, and blankets, and I since urged the Lessee to furnish them, but he has not, as yet, attended to this request. There has not been a change of clothing for all the prisoners since I came, and it is impossible to keep the men free from filth unless they are provided with a full change. It is not customary to furnish the convicts with coats, still I think it would be advisable to furnish them. For the want of clothing I have thought it advisable to keep some of the convicts in their cells, or in the long room, in bad weather, while in good weather I set them at breaking stone. Unless food and clothing are furnished at once to meet the present urgent wants of the institution, I shall, as Superintendent of the Prison, be compelled to resort to means to keep the prisoners that might compromise the dignity of the State. At this time there is not more than light rations, that may last until Saturday night, 21st February, and I may be compelled to keep the prisoners in close confinement because of the dissatisfaction arising from the want of full supplies.

JOHN C. GORDON,

Sworn and subscribed before me February 20th, 1857,

URIAH EDWARDS,

of State Prison Committee.

### EXHIBIT No. 20.

POINT SAN QUENTIN, Feb. 20th, 1857.

JOHN E. MORTON, upon oath, says :

I have been an attache to the California State Prison since January, 1856. As far as I know, under the Directory, I believe there was no cause of complaint in reference to food or clothing. I think printed rules and regulations were in the possession of the officers and guards, pointing out the duties of each officer. The "Trusty" system was practiced under the Directory of 1856.

I think there was an abundance of clothing and food on hand at the time the present Lessee took possession of the Prison ; I do not think there is a sufficiency of clothing at the present time to protect them from the inclemency of the winter, at least of shoes For the last month, I think, as a general thing, the prisoners have been well fed, although for the last ten or twelve days there has been at times a scarcity ; it is not customary to give them tea or coffee. For the last three months I think escapes have been less frequent, and I think there has been a change in the general management of the institution for the better. ; there are not so many Trustys now as formerly, and less favoritism. I have heard general complaint on account of the Lessee not complying with the contract which calls for monthly payment of salaries. I think at times the general table has not been supplied with variety of food necessary to satisfy the wants of laboring men ; I have heard general complaint in reference to the food furnished the employes at times. I have never sent an order to the Lessee that was not paid, although I have asked for money and did not receive it, owing, as the Lessee said, to his not having the means.

JOHN MORTON.

Sworn to and subscribed before me, February 20th, 1857.

URIAH EDWARDS,

Of State Prison Committee.

# EXHIBIT No. 21.

POINT SAN QUENTIN, Feb. 20th, 1857.

HENRY R. JOHNSON, upon oath, says :

I have resided here since the 1st of January, 1856, since which time I have been an attachee of the State Prison ; I was sworn to the faithful performance of my duty, as a guard, upon my accepting the office under Gen. James M. Estell, Lessee of the Prison. I do not know that printed rules or regulations have ever been distributed among the employees ; I cannot, of my personal knowledge, say whether the prisoners were properly fed or not ; I believe the prisoners were well clad under the Directory of 1856 ; I heard no complaint made of the want of food or clothing under that Directory ; at the time I visited the prisoners' tables I think there was a sufficiency of wholesome food ; this visit was about three weeks since. Some of the employees find much fault with the Lessee's plan of paying the guard ; for myself, I am satisfied that the General will pay. There have been but few escapes for the last few months. I do not know that there has been any marked change in the management of the Prison recently ; still, less men are allowed to sleep out. In reference to escapes I wish to state that in the event of an escape the most diligent efforts are made to capture the fugitives ; I have known several hundred dollars to be paid as rewards for the capture of those escaping.

HENRY R. JOHNSON.

Sworn to and subscribed before me, February 20th, 1857.

URIAH EDWARDS,

Of State Prison Committee.

## EXHIBIT NO. 22.

JOSEPH O. CONNOR, employee of the State Prison, being sworn, deposes and says :

I have been here nearly three years ; I was here under the Directors for 1856, and under their administration the prisoners were well fed and clothed.

Do you think the prisoners are as well fed under Gen. Estell as under the Directors ?

During the summer I think they were quite as well fed under Gen. Estell as at any previous time ; during the last two months they have not been as well fed, either in point of quality or quantity. The quality of their food is not good, but in point of quantity I think it sufficient for the amount of labor they perform.

Do you think Mr. Pomeroy has used the necessary effort as commissary to procure supplies for the prisoners, both food and clothing ?

I do. He has used, I believe, all due diligence to have the prisoners well fed and clothed, as far as the same has come under my knowledge.

Has there been as many escapes within the past two or three months as heretofore ?

There has not. I believe Mr. Gordon, the present agent, is well qualified to manage and direct the affairs of the Prison. He is almost daily making some change for the better, and has now got nearly all of the prisoners sleeping within the walls.

Do you know whether under the Directors for 1856 they were in the habit of swearing in the guards and employees of the Prison ?

They were. I do not know whether it has been practiced under the present Lessee.

Do you know whether the guards and other employees are paid promptly ?

I understand from them they are not, and there is some complaint in regard to it.

What is the character of the buildings, workshops, &c., put up inside the walls by Gen. Estell ?

They are good, substantial buildings, as far as completed.

Why have those buildings not been completed ?

For want of material.

Have you heard any complaint of too many prisoners being crowded into their cells, or rooms ?

I have heard the Doctor complain ; I have heard him complain frequently, and he has often urged the necessity of one hospital department. The long-room is 147 feet long by 22 feet 6 inches wide. The number of prisoners sleeping in the long-room averages 230. The entire size of the present Prison is 180 feet by 28.

JOSEPH O. CONNOR.

Sworn to and subscribed before me, February 21st, 1857.

URIAH EDWARDS,

Of State Prison Committee.

## EXHIBIT NO. 23.

SAN QUENTIN, Feb. 20th, 1857.

Dr. H. HARRIS, Resident Physician at the State Prison, upon oath says :

I do not think the food and clothing provided for those now in confinement here is such as they should have to ensure health; not less than fifty, and probably seventy-five, are entirely destitute of shoes, and the clothing and bedding of the convicts are entirely inadequate to their wants, and this want will necessarily beget ill health and want of cleanliness.

I do not know that the officers and attaches acting under J. M. Estell, Lessee, are sworn to the faithful performance of their duties—under the “ Directory” they were.

I do not believe that the officers and guards are regularly paid their monthly salaries. I do know that I have not been paid, and that this failure to pay on the part of the Lessee has occasioned me much embarrassment.

I have never seen a set of rules or regulations, written or printed, issued under the Lessee for the government of the institution. I have known instances of inhumanity arising from the petulance of convict overseers that might not have occurred had there been rules and regulations defining the duties of the different officers. I look upon the mode of punishment here as being in every way repulsive to humanity.

I with great pleasure state that I believe the present Superintendent, J. C. Gordon, has done as well for the institution as it would have been possible for any man to have done under like circumstances. I believe him to be in every way qualified—the proper means being placed at his disposal to conduct this institution in a manner calculated to reflect credit upon himself and do honor to the State.

To the question. Do you believe that the Superintendent and officers generally, notwithstanding the discouraging circumstances by which they are surrounded are determined to safely keep and humanely treat the prisoners confined to their care? I answer—I do.

J. H. HARRIS.

Sworn to and subscribed before me, February 20th, 1857.

URIAH EDWARDS, S. P. Committee.

## EXHIBIT NO. 24.

OFFICE OF STATE CONTROLLER, June 2d, 1856.

At a meeting of the Board of State Prison Commissioners, R. M. Anderson and Henry Bates being present, the following resolution was adopted:

*Resolved*, That in the government and control of the State Prison convicts,



the Directors of the State Prison are hereby directed to observe the rules and regulations adopted in May or June, 1855, and published in pamphlet form, and that said rules and regulations, are hereby adopted and declared the rules for the government of the State Prison convicts.

Signed,

R. M. ANDERSON, Chairman.

HENRY BATES, Secretary.

### EXHIBIT NO. 25.

POINT SAN QUINTIN, March 10th, 1856.

COL. ALEX. BELL, State Prison Director—

*Dear Sir:*

Having, in compliance with your request, examined the beans and bacon shipped to State Prison for State Prison use, we feel no hesitancy in saying that they are not such articles as should be fed to the prisoners, in consequence of their inferiority.

JOS. A KNOX,  
J. T. STOCKER,  
JNO. H. HARALSON,  
A. H. BROOKS.

### EXHIBIT NO. 26.

To the Hon. Committee on State Prison:

I have the honor to hand to your Committee a summary statement of occurrences at the State Prison since the leasing of the same to the present Lessee, the Hon. J. M. Estell. On the 29th of March, 1856, the said Lessee took possession of all the property belonging to the State at the place where the Prison is located, (San Quentin,) and has since that time exercised full control over the same.

The law creating a Board of Directors gave to that Board the right to the use of suitable buildings for themselves, and also for offices, provisions, and everything necessary for the proper discharge of their duties. But the Legislature, it is to be presumed, overlooked this, as the Lessee has, from the date above mentioned, claimed, and still claims, under his contract, whether justly or not it is for your Committee to determine, the exclusive custody, control, and management, of all

the property and appertanances of the said Prison, without regard to the rights or priveleges which the said Board of Directors supposed to have been secured to them by law.

On several occasions I solicited, in writing, the State Prison Commissioners to furnish the Directors with a copy of the contract entered into with the Lessee. This has never been complied with, although a full knowledge of the contents of that document was and is essential to the Directors in the performance of the duties assigned them, as the law expressly charges upon the Directors to see that the said contract is carried out.

Under these circumstances, I wrote to the Hon. Attorney General to advise me in the premises. His reply I submit to you. In his communication he stated that he was unable to obtain a copy of the contract, and, further, verbally informed me that he was satisfied that the law under which the Lessee had possession was unconstitutional, and that I was acting properly in not interfering with the Lessee, until the matter should be decided, particularly as it was impossible to ascertain, without some investigation, or legal proceedure, what rights and duties the Directors had during the existence of said contract. This, together with other circumstances, which I will communicate to you, will, I trust, gentlemen, satisfactorily account to you for the course I have hitherto pursued in regard to the management of the Prison affairs, so far as I am concerned.

If it is your intention to inquire into matters that occurred prior to the possession of the present Lessee, I have some information that may be of service.

In the first place I can show by the books that the State prior to that time had paid for a much larger quantity of provisions, &c, &c, &c., say 100 per cent more than could have been consumed by the prisoners and employees.

Second. A large amount of supplies was purchased by the Warden a few days prior to the time the said Lessee took possession, which supplies were taken by the Lessee, but charged to and paid for by the State at a cost of several thousand dollars.

I can further show that the Lessee gave his note to A. M. Hay for \$5,000, which note was given as a compromise between the Lessee, Wilson and McKenzie—the two latter agreeing to aid in the passage of a bill for leasing the Prison and prisoners, which should inure to the benefit of the Lessee.

The Note above alluded to was at last advices in the hands of one McCauley. I think it can be shown also that Estell paid \$5,000 more to another party for his services in the premises.

In order to ascertain the fact above stated it will be necessary to have the books kept by the book keeper during the months of January, February and March, 1856; said books now being in possession of the Warden. All of which I respectfully submit.

I have the honor to be,

Very respectfully,

Your obedient servant,

ALEX. BELL,

State Prison Director.

## EXHIBIT No. 27.

EXECUTIVE DEPARTMENT, }  
February 17th, 1857. }

Hon. URIAH EDWARDS, Member of Assembly and of the State Prison Committee :

SIR :—Complaints having reached me since being in San Francisco, regarding the condition and management of the State Prison, and finding you are in this city, I hereby request you will at once proceed to the State Prison and make due examination and inquiry regarding the condition of the Prison and prisoners, especially as to whether the prisoners are properly fed and clothed ; also, whether due precautions are employed by the Lessee against escapes ; that is, more particularly, whether the guards are sufficient in number and usefulness to prevent such escapes.

Any other matters which may occur to you as pertinent to these inquiries, you will also investigate.

Very respectfully,

Your obedient servant,

J. NEELY JOHNSON.

## EXHIBIT NO. 28.

JOHN HENRY, sworn before the Committee, says he acted as Commissary for Gen. Estell at the Prison from 13th day of June, 1856, to 21st December following. During that time, with a few exceptions, the prisoners were fed plenty of coarse food. During a part of that time, a part of the clothing of the prisoners was poor, all the clothing, except shoes, were what might be termed medium good clothing. At one time, some 200 pairs of shoes came over to the Prison, which were distributed. This was the only number of shoes of any considerable quantity I recollect of. With this exception, the prisoners were supplied from shoes on hand when I went there, and such as the prisoners brought to the Prison. At times, a good many of the prisoners were entirely without shoes, and I infer from the number distributed, that there must have been many without shoes.

From my own observations, and from the reports of those in charge of the Prison, the prisoners have not been so well supplied with food since, as during my stay at the Prison. I have been receiving the food for my family from the store-house of the Prison, and have often been at San Quentin during that time.

I inferred from a letter I received from my family at San Rafael,  $2\frac{1}{2}$  miles from the Prison, dated Feb. 21st or 22d, that there had been no arrivals of fresh provisions recently, and up to that date. I knew of a package of what I supposed to be beef, and a few sacks of flour, sent to the Prison on the 19th inst.

I have not been familiar with the management of any other State Prison, but I have a pretty good idea of business generally. The general system of punishment of prisoners at the Prison, is with a rod or strap. The Captain of the guard, before the present Superintendent was employed, used generally a raw hide ; since that, Mr. Gordon has used a strap. I have generally avoided seeing the punishment, but have sometimes seen the infliction.

JOHN HENRY.

Subscribed and sworn to before me, this 24th day of Feb., 1857.

GEO. H. ROGERS, Chairman.

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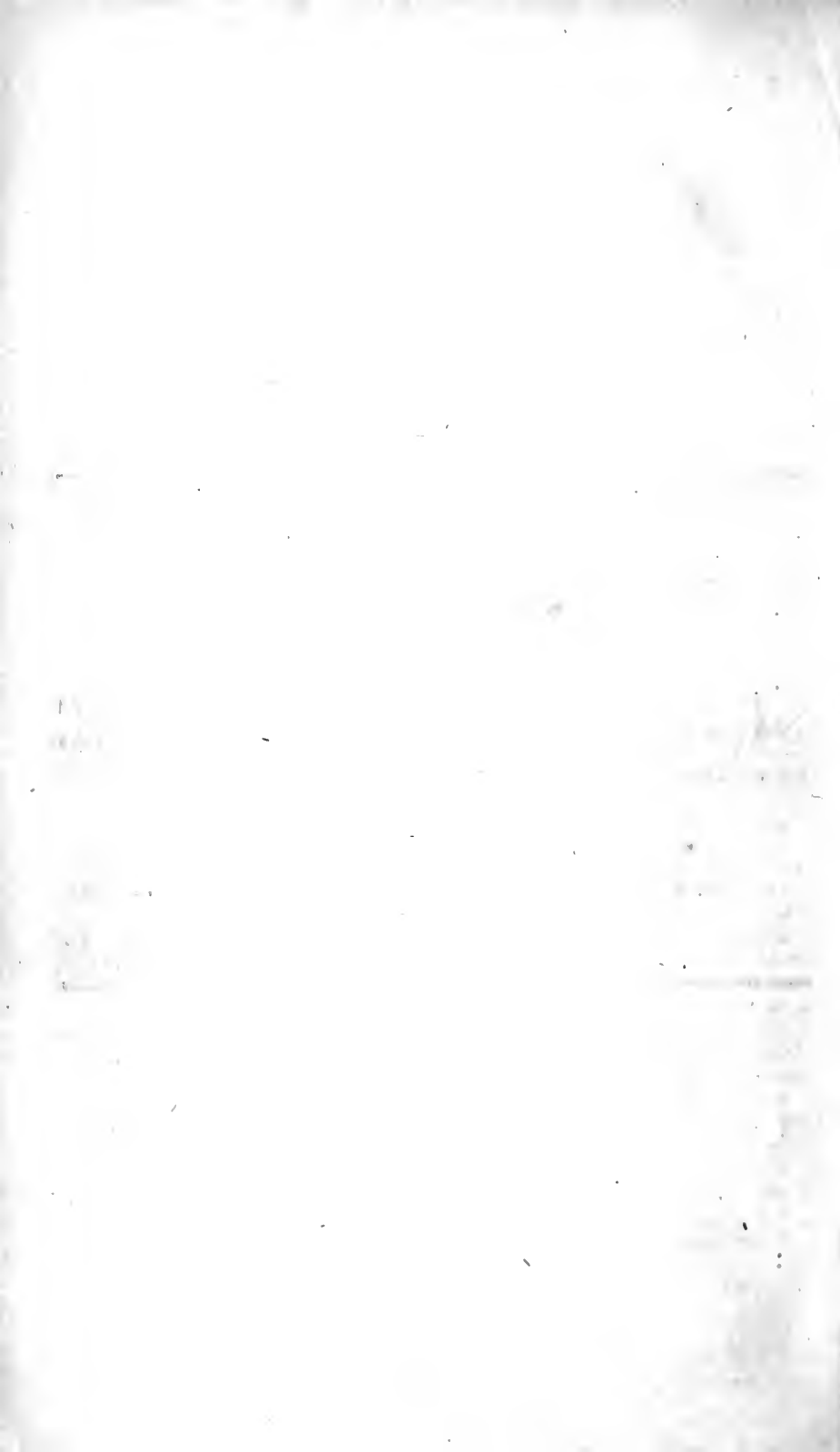
IN ASSEMBLY.]

[EIGHTH SESSION.]

SECOND REPORT  
OF  
SELECT COMMITTEE  
ON THE BETTER PROTECTION OF THE  
STATE TREASURY.

[JAMES ALLEN, STATE PRINTER.]

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# REPORT.

MR. SPEAKER :

The Select Committee raised to investigate the manner and mode in which the "Act for the better Protection of the State Treasury" has been obeyed and carried out, beg leave to submit the following supplementary

## R E P O R T :

In obedience to the instructions of the Assembly, Mr. Whitman, the Controller of State, was notified that the Committee was ready to examine such witnesses as he might desire, and accordingly Mr. Whitman gave the names of certain parties whose depositions he wished taken. In obedience to such request, these parties were only examined by the Committee, in presence of Mr. Whitman, who asked such questions as he thought proper.

The depositions of Messrs. Vaughan, Redding, Ball, Schenk and Willis, and of his Excellency, Gov. Johnson, and of the Secretary of State, D. F. Douglass, were taken by the Committee, and are herewith submitted.

Your Committee further unanimously reports, that by such depositions no new facts have been shown which in the least change the conclusions heretofore arrived at by it and reported on to the Assembly.

Your Committee begs leave to be discharged from the further consideration of the subject matter of this investigation.

All of which is respectfully submitted.

BRENT,  
WATKINS,  
PATRICK,  
BURCH,  
HUME

Special Committee.

In the testimony rendered by me, a few days since, I stated the Controller had drew his Warrants for the Contingent Expenses of the Legislature, without the previous approval of the Board of Examiners. This is an error as I find upon examination, such has never been the case.

WM. WILLIS.

Subscribed and sworn to before me this 9th February, 1857.

JNO. C. BURCH,

Member of Committee.

Gov. JOHNSON:—I stated in my former examination that Mrs. and Miss Whitman were present when we entered the Controller's office, but at the suggestion of the Committee of the Assembly no mention was made in the statement of the fact. About the 6th or 7th of June, 1856, the previous unpleasant relations existing after the passage of this Act, between Col. Whitman and myself up to that time, ceased, and have been of the most agreeable character since. When I gave my statement the other day I did not recollect that I had transmitted a second written communication to the Controller's office, similar to the one before spoken of, dated on or about the 4th May last. Upon examination of papers in my office since, I find I did on the 28th of May, transmit a communication to the Controller's office, requesting certain information therein designated. This was delivered to Mr. HUGHSON, clerk in the Controller's office, and he replied thereto, by communication.

This correspondence is herewith submitted. But the information sought was never furnished me until in the annual report, as before stated, and specific information given me, about the 1st of January, of the present year.

J. NEELY JOHNSON.

Subscribed and sworn to before me this 9th of February, 1857.

JNO. C. BURCH,

Member of Committee.

(COPY.)

EXECUTIVE DEPARTMENT, }  
Sacramento, (California,) May 28th, 1856. }

COL. G. W. WHITMAN,

Controller of State,

Or his Deputies, or persons in charge of Controller's office :

I desire the following information to be furnished from the books of the Controller's office of this State :

1st. A statement of the amount of Controller's Warrants, which have been drawn in detail, and in whose favor on each separate fund and appropriation made,

with the dates thereof from the first day of January, 1856, to the 16th day of April, 1856, inclusive.

2d. A statement similar to the above, from the 16th day of April, 1856, to the 28th of May, 1856, inclusive.

3d. A statement of amounts of money in the State Treasury in the several different funds, separately stated at the present date, as shown by the books of the Controller's office.

4th. A statement of the balance remaining undrawn, by Controller's Warrants in the several different appropriations made by the Legislature of 1856.

And have the same furnished to me by two o'clock to-morrow.

Very respectfully,

Your obedient servant,

J. NEELY JOHNSON.

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CONTROLLER'S OFFICE, }  
Sacramento, May 29th, 1856. }

To His Excellency,

J. NEELY JOHNSON,

Governor of the State of California:

SIR:—In answer to your communication of the 28th instant, requesting a statement from this office of the amount of funds in the State Treasury, &c., &c., I have the honor to state that, it is impossible for me at this time to furnish the desired information, from the fact that I have no knowledge of the disbursements made by the Treasurer of State during the present month, having received no report from that office since the 30th day of April, 1856.

The Treasurer being required by law to report to this office, monthly the operations of the Treasury, his report for the month of May, will doubtless be received on the last day of the month. Upon the receipt of the same, I will immediately transmit to your Excellency a statement of the condition of the several funds.

A detailed statement of the Controller's Warrants drawn upon the Treasurer from the 1st day of January to the 28th day of May, 1856, and, also, of the unexpended balances,

I have the honor to be,

Most respectfully,

Your obedient servant,

GEO. W. WHITMAN,

Controller of State,

Per W. S. HUGHSON, Clerk.



" At a meeting of the Special Committee, upon the " Act for the better protection of the State Treasury," approved April 16th, 1856, held on the 7th February, 1857.—Present, of Committee, Brent, Patrick, Hume, and Watkins:

G. W. WHITMAN, Controller, having notified the said Committee that he wished the depositions of Messrs. Ball, Willis, Schenk, Vaughn, and Redding, to be taken, the Committee issued subpoenas for their attendance, and the said Controller, appearing before the Committee, requested that Edward G. Vaughn should be first examined.

EDWARD G. VAUGHN, being duly sworn, deposes as follows:

I am a clerk in the Controller's office,—have been since Col. Whitman has taken the office—have kept the books up to about the first of January last,—that is the Ledger, Journal, and Abstract Books, containing the amount of scrip drawn, money received by the Treasurer, and all other matters of that nature. Since which time, I have attended to the Auditing department, and settling with County Treasurers. Mr. Hughson attended to this business previously. I would say that it has been my course ever since I have kept the books, as well as directed by Col. Whitman, to endeavor to keep every day's work up, and in doing so, I have worked much at nights and Sundays, and they never have been behind-hand, except a day or two during the setting of the Legislature, or unless I was absent; and I believe that any one, whether book-keeper or not, might know the balances in each fund within the space of perhaps one-half hour. The Ledger and Abstract Book, both have indexes accompanying them, and have never been from the books. There are, perhaps, twelve or thirteen funds in the Ledger, under the head of " Funds;" the page is given of the different funds, in the index.

By adding up two columns and subtracting one from the other, the amount in the fund is ascertained. There are but twelve days in the year, which days are when we receive the State Treasurer's Reports, that we can know what amount of money is in the State Treasury. The reason of this is, that the Treasurer does, by law, pay out money without the Controller issuing his warrants (The twelve days spoken of, are once a month.)

The Treasurer pays out interest money and the Military Fund, without the Controller's warrants. We have no knowledge of any warrant being paid by the State Treasurer until the monthly report is furnished us. Owing to the great hurry in the Treasurer's office, as stated to us by the Treasurer's clerk, and our own observation in issuing bonds, as the Funding Act had passed in April, 1856, we received no State Treasurer's reports for the months of April and May, until about the first of June or latter part of May. At any time prior to the 25th of May last, it would be impossible for us to arrive at the amount of money in the Treasury, any nearer than the Treasurer's account or report for the month of March.

By comparing the Treasurer's monthly report with our books, we can arrive at the amount of money there should be in the Treasury on any named day, previous to the reception of the report. On any day we can tell what money has been paid into the Treasury, but cannot tell the amount which has been paid out till the Treasurer's report is received. If I desired to ascertain the amount of money in the Treasury at any given time, I should go to the Treasurer's books, as it could not be ascertained from the Controller's office except as before stated. I understand that the Board of Military Auditors draw upon the Military Fund: that is, they have done so heretofore.

I have always understood there was a statute authorizing the Treasurer to pay the interest money out without the Controller's warrant.

About the middle of May, Gov. Johnson, Gen. Douglass and Attorney General Wallace came to the Controller's office for the purpose of examining the books required by them as a Board of Examiners, and Mr. Hughson informed them that Col. Whitman's orders were that if they should come in his absence, to show them all the books, papers and vouchers that were in the office, which they might call for, but let them make their own examination, as the law contemplated such examination. That the books before spoken of were all lying on the desk, to which their attention was called; they (the Examiners) did not, to my knowledge, ask for any papers; there never has been anything kept in the safe, save and except blank Controller's warrants, up to the first of January, 1857. Col. Whitman has frequently told Mr. Hughson and myself to be very careful in keeping the safe at all times locked, except when using it. That there were in the office, when the Board of Examiners came, Mr. Hughson, Henry Whitman, and Mr. Schenck, (being a clerk in the office,) and two ladies, Mrs. and Miss Whitman; and, as is my usual custom when in the presence of ladies, I put on my coat. I was there about half an hour during the time the Board were there, and the ladies wished me to accompany them in town; I objected, as perhaps I might be needed; that I would wait a while longer; and upon being again asked, I did accompany the ladies. I heard nothing on the part of the clerks discourteous to the Board; Col. Whitman's orders to the clerks were to treat them courteously and gentlemanly.

I have repeatedly heard Col. Whitman say that he was ready and willing at any and all times, to have his books examined, as he believed they were all right, and had a set of clerks who understood their different departments. The feature of the law appointing a Board of Examiners, that Col. Whitman particularly objected to, was in auditing accounts, as he considered that reflected upon his character. Since January last I have occupied the position that Mr. Hughson previously occupied. Besides the Ledger, Journal and the Abstract Books, there is the book in which the Bonds issued are registered, the book in which redeemed Scrip is registered, the book containing account of Warrants drawn, Receipt Book for Warrants issued, Order Book, containing orders to Treasurer, Receipt Book for Foreign Miners' License, and many others.

For anything I know, and to all appearance, Col. Whitman, Gov. Johnson and Gen. Douglass have been on friendly terms; Governor Johnson often comes into the office, Gen. Douglass frequently, and Col. Whitman much in Gen. Douglass' office.

(Mr. Vaughn produced a report, and says,)

This is the original and only report received from the Treasurer for the month of April last.

I observe that this is not signed or certified by the State Treasurer. I cannot say whether it is usual for the Treasurer to sign his report or not. This report was handed to Controller's office by a clerk of the Treasurer, and is regarded and acted upon as his report.

I think I told the Board of Examiners, while they were in the office, there were the books, that contained the accounts. I did not designate the books, but there lay the Ledger, Journal and Abstract Book. I can't say that I told them that those books contained all the accounts, but I think some one did.

Q—Did you, or any of the clerks in the Controller's office, inform the Board of Examiners that the information of the entire business of the office could be procured from three certain books in the office?

A—It strikes me that they were so informed; Gen. Douglass and Henry Whitman were in conversation, and was in conversation with the ladies; I stepped into an adjoining room three or four times, while the Board was in the office. Gen. Douglass frequently comes into the office and looks over the books himself. I can't say positively, but think Gen. Douglass knew on the day they came the books from which the information could be had, which they desired—I think so because I think any one could find out the fact without being informed. I should think that any one, without the assistance of the clerks, could go into the Controller's office and ascertain the general balances from the books.

ED. G. VAUGHN.

Subscribed and sworn to before me, this 7th day of February, 1857.

JNO. C. BURCH,

Member of Committee.

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E. G. VAUGHN, examined:

I think I left the Controller's office in company with the ladies, while a portion of the Board of Examiners were yet in the office. Gov. Johnson I think was there writing a letter, do n't recollect why the Governor was writing or the cause of it, but simply that it was a communication to the Controller's office.

Questions by the Governor:

About the 3d of January I recollect of the Governor being in the office, and our examining the stubble book to ascertain the Controller's Warrants received by the Treasurers for taxes; so far as we could tell from our books we ascertained the number to be two or three items. I have no knowledge of the amount of the warrants ordered to be received by the State Treasurer; it strikes me one was from San Francisco County; the amount I do n't recollect; the aggregate amount of these warrants ascertained from the stubble book amounted to but a few thousand, perhaps not to exceed ten thousand dollars; I told the Governor then I knew of no other books from which we could ascertain the amounts received; there is not any other book that would show the authorization to the State Treasurer to receive warrants in payment of taxes; I recollect the Governor said it was singular there was no other account in the office by which it could be told. I then remarked that the fact was, the book did not seem to have been kept very correct, but I would see that it was strictly attended to hereafter.

Q—Did I not desire you to give me information as to how much money there was in the Treasury, on this same day, and to assist me in making those examinations?

A—You did; I endeavored to give what information I could, but there was one entry, I do not now recollect whether I could or could not explain.

Q—Did you explain this item of \$31,300?

A—I do not recollect; think I gave some better information, and referred to Mr. Willis, who had made the entry, and could better explain it.

Q—Was, or was not, a full explanation of that item necessary to a full understanding of the amount in the Treasury?

A—I think it was, but cannot say; there are no other authorizations from

which to ascertain the amounts received in warrants by Treasurer for taxes, than the stubble.

EDW'D G. VAUGHN.

Subscribed and sworn to before me, February 9th, 1857.

JNO. C. BURCH,  
Member of Committee.

CORNELIUS SCHNECK, on the part of Col. Whitman, being duly sworn, deposes and says :

I came into the Controller's office as a clerk about the 5th or 6th of May last. I was present in the Controller's office about the middle of May when Gov. Johnson, Gen'ls Douglass and Wallace came there to examine the books. I was there until they left the office—they came for the purpose of making an examination of the books as I understood it. Mr. Hughson stated to them in substance that they were at liberty to do so; the books were shown them upon the desk where they usually lay during the day—the three principal books that were necessary for the examination: my understanding was they wanted to examine certain accounts. Mr. Hughson also named that Col. Whitman was absent, and was his wish for them to call when he was present; at this time Mr. Hughson, Henry Whitman, Mr. Vaughn and myself (clerks) were in the office; there were Mrs. and Miss Whitman. Mr. Vaughn went out with the ladies, or immediately after them.

I am not certain whether Mr. Henry Whitman left or not, my best impression is that he did not; I heard no application made for any papers; Governor Johnson wrote a communication and handed to Mr. Hughson, stating that he asked that information as the Executive. The information meant was the subject of the communication—which it was I don't know. I am now book-keeper in the Controller's office, have been since the 1st of January. The Leger and Journal show the moneys that go into the State Treasury. The Abstract Book contains the appropriations and the different contingent Funds; for instance, an appropriation is made for the Governor's salary, we enter this amount in the Abstract Book and when any is drawn an entry is made upon the Journal, from thence, of course a charge is made of his monthly salary, and transferred to the Ledger; the books are very simple when understood. I think Gen. Douglass said he ought to have a book-keeper to look over the accounts.

I think Mr. Hughson replied that Controller Whitman instructed him to lay the books before them, as near as I recollect. It was in reply, or when something was said about the book-keeper, when Mr. Hughson said he was simply obeying orders. I don't recollect of the Governor saying that if Mr. Whitman was there he would hardly refuse assistance; it might have been in reply to a remark of this kind, that Mr. Hughson said he was obeying orders. I was new in the office, and did not expect to be called on again about this. Saw the Governor hand Mr. Hughson a written communication; don't recollect of the Governor reading it aloud; never saw the communication; I was engaged at first, but gave more attention to the close of the interview. I think I recollect something of an inquiry as to amount of money in the Treasury, from the books and vouchers in the office; don't recollect distinctly the reply of Mr. Hughson; the substance was, that his instructions were to show them the books and papers

they might call for, that they might make the examination for themselves. It was after this the Governor wrote the communication. I suppose Mr. Hughson was the head clerk at this time, he being the oldest clerk, I looked to him as the head of the office. Mr. Vaughn was the book-keeper at that time. Each clerk has his distinct department in the office. Col. Whitman never, to my knowledge, gave any one a supervision over the entire office. It would depend on the kind of information wanted, to whom one should apply. Mr. Hughson did not particularly direct the affairs of the office; with relation to the books, Mr. Vaughn had the entire control. Any information from the books, was acquired from Mr. Vaughn. Mr. Hughson frequently enquired of him for information from the books. Mr. Hughson did the most of the talking on the part of the Controller's office, at the time referred to.

CORNELIUS SCHENCK.

Subscribed and sworn to before me, this 9th of February, 1857.

JOHN C. BURCH,  
Member Committee.

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GEN. D. F. DOUGLASS states :

That for the purpose of correcting his former statement, he wished added thereto "up to the time mentioned in the first paragraph of my statement, when Col. Whitman and myself had a conversation, since that time we have been friendly."

When we visited the Controller's office no books were pointed out to me as containing the desired information, nor was any books specifically pointed out to any of us as containing this information, The books generally were pointed out to us. I considered Mr. Hughson the principal person in the office; he apparently acting as the Chief Clerk and spokesman on that occasion. I may have spoken to Mr. Vaughn and to Mr. H. Whitman that day in the office. I stated on my former examination that Mrs. and Miss Whitman were present in the office when we went there, but, upon suggestion of the Committee of the Assembly, the mention of the ladies was not placed in the statement.

DAVID F. DOUGLASS.

Subscribed and sworn to before me, February 9th, 1857.

JNO. C. BURCH,  
Member of Committee.

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B. B. REDDING, sworn, and examined on the part of Col. Whitman, deposes and says :

My original business is book-keeping ; I have been in the Controller's office upon matters of business as often, I should suppose, as once a week during the

past three years ; I have been often interested in a knowledge of a balance that may be in different funds ; I always received the information, or frequently, when the clerks were busy, have been requested to ascertain for myself ; I have thus ascertained, by an examination of the books, a number of times ; the mode of ascertaining the amount remaining in different appropriations was simply to seek first from the index the page of the ledger, and then add the debit and credit columns, subtract one from the other, and the balance was the amount sought for. If all the accounts are kept in the same manner as the accounts of the appropriations are kept, I could as readily ascertain the balance in these funds ; in my opinion there should be nothing more mysterious or complicated in keeping the books of the State than those of any ordinary mercantile house ; if none of the accounts extend beyond a page of the ledger each, any accountant could ascertain the balance of the twelve or thirteen different funds in two or three hours ; but if a book-keeper had to investigate thoroughly each different transaction of the Controller's department, it would probably take weeks or months. I did not examine the vouchers for the accounts I examined of the appropriations, merely ascertaining the amount by the charges on the ledger ; I cannot tell who first showed me the ledger ; I think that Covington first directed me to it, in Bell's time as Controller ; on one occasion Mr. Willis and I added up the amount drawn against the printing appropriation ; of late, the information has been given me by Mr. Schenck.

B. B. REDDING.

Subscribed and sworn to before me, this 7th February, A. D. 1857.

JNO. C. BURCH,

Member of Committee.

Committee met the 9th February, 1857, at 3 o'clock P. M.—Present, Messrs. Brent, Burch, Hume, and Patrick.

N. A. H. BALI, being duly sworn on the part of Col. Whitman, deposes and says:

I am an accountant,—that is, not to keep a set of books, but to examine and settle up complicated and difficult accounts. I have been employed to examine the books of Dr. McMeans, the Treasurer of State, which involved an examination of the books in the Controller's office; this latter office, was the place where I first went to get the evidence to base an examination of the Treasurer's accounts. The books of the Controller's office, are no more complicated than those of an ordinary mercantile firm, the method of keeping them, is much the same; any person of business capacity, could ascertain and refer to any account from the Index, which is always kept with the Ledger, provided the Index be written up; the process to ascertain the balance in any particular fund, is simply to foot up the debt and credit of that fund upon the Ledger account, provided it was posted up. To go through this process, a knowledge of the simplest rules of addition and subtraction, is only required. It would take a person familiar with figures and footing up figures, no more than an hour to foot up twelve or thirteen funds of a page each, as an average.

From my knowledge of the Controller's and Treasurer's offices, if I desired to

ascertain the amount of cash there should be in the vaults or hands of the State Treasurer, I should examine the Controller's books and papers to ascertain the amount paid into the Treasury, and should examine the Treasurer's vouchers for disbursements. To examine the vouchers of the Treasurer for the term of one month, it would take a about week's time, provided the business has not materially increased within the last two years, and provided the vouchers are kept separately, and the entries are made specifically. It would take no longer to foot up the debit and credit sides of the different funds on the Treasurer's books than on the Controller's, provided the same entries are made in each. I would not undertake to day, to examine the entries in the Controller's office, of moneys paid into the Treasury, and compare the vouchers therefor, and to examine the entries in Treasurer's office of moneys paid out, and compare the vouchers therfor, and agree to do the same in a less time than two months. I was near three months examining Dr. McMeans' books, and for two weeks of the time I had an assistant. If three persons, strangers to the office, and the way the books and accounts are kept, and the proper entrie to be made thereon, were to attempt an examination of the books, vouching for the purpose of ascertaining the amount in the Treasury—without any aid or assistance, they would find it would take some time to do it, and difficult; they would not be able to do it all if they knew nothing about books, without assistance. I mean by this only so far as the Controller's books will show what should be on hand in the Treasury, which is, what has been paid in, the amounts paid out by the Treasurer are reported by him to the Controller and the State Treasurer's account credited to the amount so reported. The vouchers consist of Controller's orders and Treasurer's receipts and reports.

N. A. H. BALL.

Subscribed and sworn to before me, this 9th of February, A. D. 1857.

JNO. C. BURCH,  
Member of Committee.

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IN ASSEMBLY.]

[EIGHTH SESSION.

**R E P O R T**  
OF THE  
**C O M M I T T E E**  
ON  
**I N D I A N   A F F A I R S .**

JAMES ALLEN, STATE PRINTER.

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## REPORT.

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MR. SPEAKER :

The Committee on Indian Affairs, to whom was referred that portion of the Governor's Message on that subject, beg leave most respectfully to report :

That we have had this matter under consideration, together with the Executive information and suggestions thereupon.

After mature deliberation your Committee are unable to agree with his Excellency in his suggestions that the present policy of gathering the Indians into Reservations within the limits of our State should be abandoned.

Along the western frontiers of the Atlantic States, the process of commingling and affiliating the more civilized tribes, and steadily pressing them forward in advance of the march of civilization into the territories of the more formidable and savage nations beyond the borders, (where all those tribes and nations live by the chase and have the same general habits,) has rendered the policy of the Government on that side of the mountains reasonable and proper.

But your Committee deem that physical circumstances on the Pacific slope, render the adoption of the same policy in this State incompatible with the condition of the Indians within its limits.

The high plains and naked mountain wastes, extending from the eastern boundary of our State to the western base of the Rocky Mountains, are inhabited by roving bands of mounted savages, who maintain a precarious existence, mainly by the chase, whilst the tribes along the coast, and most of those in the interior of the State, are much beneath them both physically and intellectually; they feed upon the fishy yield of the ocean, or the worms and crickets of the interior; they are unaccustomed to the management of the horse, and are in every way incapable of procuring a subsistence if placed in competition with their more active and daring neighbors.

In the opinion of your Committee, to remove the Indians from the State, and force them into the territory beyond the Sierras, were little better or more humane than at once to doom them to extermination, and could be accomplished only by an immense sacrifice of human life, and at the expense of millions of dollars.

It is very certain that the rapid peopling of the West, and particularly the establishment of our indomitable race along this western line of the Continent, must soon solve the vexed problem: Shall the Indian be exterminated? Or has he, too, a destiny to fulfil here?

Your Committee are amongst those who yet believe that the Indian race may be prolonged to the indefinite future; not as the equal, but subordinate to and dependent upon the dominant race. And, for this object, in the opinion of your Committee, a system of industrial education should be fostered by the Government, by which all the young Indians, of both sexes, may be taught agriculture and the under branches of the mechanical arts; under which, proper incentives to emulation should be given, and which should extend to all the ramifications of their rude society, so that by the next generation the head of each family upon the Reservation shall find it alike his ambition and his interest to support himself and his family.

It is very apparent to your Committee that no rude and barbarous race can be elevated even to an approximate condition of equality with civilized men; except, perhaps, after long years of labor, either in personal servitude or national pupillage; and as we consider the former, in this instance, as entirely impracticable, we would urge upon the attention of the General Government the propriety, nay, the high moral necessity, of speedily adopting the latter in a greater and more general extent. It is not incumbent upon your Committee to elaborate this idea, but trust that those charged with our Indian Affairs at Washington will give it that attention its great importance demands.

Experience has shown that all attempts by the Government, or by others, to elevate the Indian by mere intellectual or religious culture, or both combined, have either failed altogether, or resulted in positive evil, as the educated savage is almost sure to become an avenger of the—to him—enormous wrongs of his doomed race—too surely doomed if not redeemed by labor.

In the opinion of your Committee, there can be no safety to the settlers in the vicinity of the Reservations until the Indians are made to feel that they have left their lands by their own choice and for a proper consideration. We cannot expect cheerful obedience to the will of our Superintendent and local Agents as long as a sense of wrong and injustice is rankling in their hearts against us.

It is the deliberate conviction of your Committee that the worst feature, and the one most to be deprecated, in the lame and impotent policy heretofore maintained by the government in its management of our Indian affairs, is its failure to extinguish by fair purchase, the Indian title to the lands from which they have been sought to be removed.

Your Committee feel it their duty to remark that there is much danger to be apprehended, from the fact that the fascinations of Indian society appear to have attracted a class of white men addicted to most of the low vices to which humanity is heir; who ape a half savage life; hang about the villages, or seek to do so; and whose contact with the Indian is at once degrading and dangerous. The agents of the government cannot be too vigilant in guarding their charge, from the contaminating influence of such pests to society and to the State.

It is the opinion of your Committee there should be efficient military forces stationed in convenient positions in the vicinity of all the Reservations, and that enlarged power should be given to the local agents in the management of the latter, in the employment of additional attachées, or in any matters which would conduce to the good or well being of the poor proscribed Indian.

Your Committee feel it to be the duty of the present Legislature to call the attention of the general government to the state of affairs in the north-eastern part of the State. Since the first settlement by the whites of that section,

many brutal murders have been committed annually, by the untamed savage; and during the last year, the citizens of Siskiyou county alone, have expended more than two hundred thousand dollars in endeavoring to conquer a peace. There should be immediately an Agency or Reservation established in the Pitt River or Modoc Indian country, with a strong military force. Until this be done, it may be expected that those warlike tribes will periodically visit the settlements to destroy property and murder the inhabitants.

S. G. WHIPPLE,  
Chairman.

In conclusion, we beg leave to submit the following:

JOINT RESOLUTIONS.

*By the People of the State of California,*

*Represented in Senate and Assembly:*

*Resolved,* That the system of colonizing the Indians of this State upon Reservations within our borders, is, under all circumstances, the most humane, economical and practicable, of any plan that can be adopted.

*Resolved,* That to render this plan effective, it is of the first importance that the lands be purchased from the Indians when they are required to leave their old homes and live upon the Reservations.

*Resolved,* That the Indian Department should encourage the system of education at labor, as the best and surest mode of elevating the Indian character.

*Resolved,* That there should be an increase of the military force in the vicinity of the Indian Reservations, and in the remote parts of this State.

*Resolved,* That there should be a Reservation established in the vicinity of the Pitt River and Modoc Indian country, accompanied by a strong military force. Also, a Reservation in San Bernardino county.

*Resolved,* That the Governor be requested to send copies of the foregoing to the President of the United States, the Secretary of the Interior, Commissioner of Indian Affairs, and to each of our Senators and Representatives in Congress.

*2/10/87 L. J. B. 1221*







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IN ASSEMBLY.]

[EIGHTH SESSION.

## **REPORT**

# **SPECIAL COMMITTEE**

APPOINTED

TO ASCERTAIN THE WHEREABOUTS OF CERTAIN MONEYS ILLEGALLY  
PAID OUT AND ABSTRACTED FROM THE STATE TREASURY.

[JAMES ALLEN, STATE PRINTER.

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## REPORT.

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*Mr. Speaker :*

Your Committee raised to ascertain the whereabouts of certain moneys illegally paid out and abstracted from the State Treasury, having had the same under consideration, beg leave to report:

That they have examined as witnesses, Henry Bates, E. A. Rowe, A. B. McNeill, J. M. Rhodes, F. R. Bunker, J. Neely Johnson, Solomon Heydenfeldt, Samuel Knight, J. C. Palmer, A. G. Richardson, C. C. Bowman, W. L. Mesick, Jas. Haworth, F. A. Lynch, F. A. Cohen and James M. Estell. Much of the testimony has been elicited from the same witnesses by other committees of the Legislature, and heretofore published.

Instead of recommending the publication of the entire testimony, we abstract such portions as seem to bear upon the question discussed in this report, and recommend that the report be printed:

The first question to which your attention is directed, is, where is the money said to have been paid by the State Treasurer to E. A. Rowe to pay the July interest for 1857.

The direct testimony on that point is derived from the depositions of E. A. Rowe and Henry Bates. They testify that on the 3d day of January, 1857, \$124,000 was paid to Rowe by the State Treasurer, between 11 o'clock A. M. and 1 P. M. The money was in bags and was not counted, except by reference to the cash tags attached to the bags. The witnesses do not recollect the circumstances attending the delivery, which would seem to be most prominent in such a transaction. That amount of money could hardly be paid out, and removed at that time, while the clerks were at their ordinary business in office, without attracting some attention. James M. Rhodes was present, as Mr. Rowe testifies, and he knew nothing of the transaction. Mr. Rowe don't recollect how much money was in bags, or whether there were more bags than one. The money was in bags, pans and trays, and was counted in the vault. Mr. Rowe says he probably counted the money, but does not know when. There may have been four or five bags containing the money. Mr. Rowe does not recollect what time in the day they finished the count; he does

not know that he could tell within two hours, but thinks it was before noon; he does not know when Dr. Bates left the office. He recollected scarcely any of the circumstances attending the transfer of the money to his possession.

Dr. Bates says most of the money was in \$10,000 bags; according to this statement there must have been twelve bags. Messrs. Rowe and Bates disagree in this, the former recollecting there were only four or five bags. No entry was made on the books of the Treasurer of the payment of the money to Rowe, till the 10th of January, and then the entry was first made as paid to Wells, Fargo & Co.

We find that E. A. Rowe opened an account with the banking firm of Wells, Fargo & Co., at Sacramento, on the 1st day of September, 1856, as "Cashier," and between that time and the 31st of December following, he deposited and drew out of said bank \$182,290 92.

Your Committee were unable to ascertain that Mr. Rowe had such amount of money of his own. He refused to give a statement of his business affairs so as to enable us to ascertain if these deposits were of his own money.

On the 5th of January, 1857, he opened an account with the same firm as "President," and between that time and the 17th of the same month, he deposited \$70,744 23. These accounts show that Mr. Rowe had command of a large amount of money, and as he was Cashier of the State Treasury and has refused to exhibit an account of his affairs, your Committee believe that the moneys thus used were at least in part moneys of the State.

On the 23d day of June, 1856, that being Sunday, Henry Bates, James M. Rhodes and Samuel Knight, went to the office of the State Treasurer, and took away all the money in the State Treasury and deposited the same with Wells, Fargo & Co. At that time there was found in the State Treasury by actual count to be \$19,323. According to the books of the Treasurer, at that time there should have been \$132,612 prior to that date, consequently, there must have been illegally abstracted from the Treasury \$113,289 10. Where was this money? It had been taken away by some person or persons, and no one, except Henry Bates or Mr. Rowe, could have taken the same without immediate detection.

In accounting for the money deposited with Wells, Fargo & Co., on the 23d day of June, Mr. Bates says: "I think that money was sent to New York to meet the payment of the July interest not paid by Palmer, Cook & Co." Assuming this to be the fact, we have data for drawing some conclusions in regard to the question, Was \$124,000 paid to Rowe, as sworn to by him and Bates? If, on the 23d of June, the vaults of the Treasury were cleared of its cash, and the money was not returned to the Treasury, we may safely come to the conclusion that the money in the Treasury on the 3d of January was not more than the amount paid into the Treasury after the 23d day of June, less the amount paid out during that time.

On examination of the books of the Treasury, we find that after the 23d day of June, 1856, and before the 3d day of January, 1857, there was paid into the Treasury \$472,818 24, and during the same time there was paid out \$388,957 55, leaving a balance in the Treasury as shown by the books of \$83,860 69 of money received and paid out between June 23d and January 3d. A Committee of the Assembly counted the money in the Treasury on the 13th of January, 1857, and found therein \$130,167 02. A large amount of this money had been transferred temporarily from certain banks in the City of Sacramento to the vaults of the Treasury, so that when the count should be made no deficiency should appear. How much was thus used does not appear. But there has evidently been carried on by the State Treasurer and Mr. Rowe a system of taking money from the State Treasury without the authority of law, and using the same in their private affairs. This must have commenced early in the year 1856, because on the 23d of June \$113,289 10 had been taken from the vaults illegally. We can get no evidence that any part of the money then wrongfully

absent from the Treasury ever found its way back, but we believe that the Treasurer, used, or aided by Rowe continued during the latter half of 1856, and to the time he was removed from office, to use the moneys of the State, but in what particular transaction we are unable to ascertain. Some of the money is probably spent in riotous living, some of it was spent in investments which have not proved successful, or, if successful, the returns could not be immediately realized.

We find that in one instance Mr. Rowe had a judgment, obtained by him on the 11th day of February, 1857, against the Table Mountain Water Company in Calaveras County, for the sum of \$14,580, with interest and cost. There is also evidence that Mr. Rowe let Wm. Neely Johnson have \$6,200 some time in June, 1856, and at different times smaller amounts to James M. Estell. These transactions are somewhat large for a clerk in the Treasurer's office doing business of \$—— per month.

We summoned J. C. Palmer, of the firm of Palmer, Cook & Co., and the Cashier of that concern, M. G. Read, with a view to ascertain whether any of the public funds had been used in that bank, but we could only ascertain that the books of that bank discloses no facts throwing any light on the matter.

If any member of that firm has used any part of the money, it has not been in the usual routine of business.

By the Act for the better protection of the State Treasury, it was made the duty of the Board of Examiners to count the money in the State Treasury as often as once in each month, and to publish a statement of the moneys found in the Treasury once in each month, under oath, in two daily newspapers, one in Sacramento and one in San Francisco.

These wise provisions have been wholly disregarded by the Board. If the amount of money found in the Treasury on the 23d of June, 1856, had been published, this would have called public attention to the deficiency of money in the Treasury, and measures would have been taken to expose peculations. If the Board of Examiners had performed this duty each month, we should have known the exact amount in the Treasury at the times of the counts, and the books might be subsequently examined, and they would, or at least should, show at the same time what ought to have been in the vault.

The pretext that the Controller's books contain the only means of ascertaining what ought to be in the Treasury, is of little force. It was not the duty of the Board to merely count the money in the Treasury, if the Controller exhibited his accounts. The count was a distinct matter, and was intended to furnish a land mark by which we might judge whether money had been improperly taken from the State Treasury.

We will not, in this report, assign motives to the Board in thus neglecting a clear duty; but we cannot forbear the remark, that much, if not all, the injury resulting to the State Treasury from illegal use of the money therein might have been averted, and the excuses assigned by the Board for such neglect, only aggravates the offence.

Your Committee regret that this neglect still continues, notwithstanding the law is inoperative, and the attention of the Board has been directed to the subject. No publication of any count has yet been made by the Board, notwithstanding for two months the objectionable Controller has been suspended and the office has been filled by another officer. If this course shall still be continued, and the officers determine to disregard the act, they should be removed from office, and others, who will comply with the law, be substituted in their stead.

We understand the Board intend to Comply with the law in future, and the session of the Legislature is so near a close we make no recommendation as to the course to pursue.

Your Committee are informed that a suit is now pending against E. A. Rowe, to restrain him from transferring the moneys in his hands to New York and paying out the same on coupons of State bonds falling due in July next.

If our view be correct, and the money has been invested and is not now under control of Mr. Rowe, there is little danger that he would or could, if not restrained, transfer the funds to New York.

How then should the State authorities act in the premises? If the injunction is retained and suit is brought on the bond on non-payment, according to the agreement of Rowe, the defendants will set up that the Pacific Express Company were restrained from complying with their agreement by a suit of injunction, at suit of the State, and their answer would be held sufficient and his bondsmen discharged.

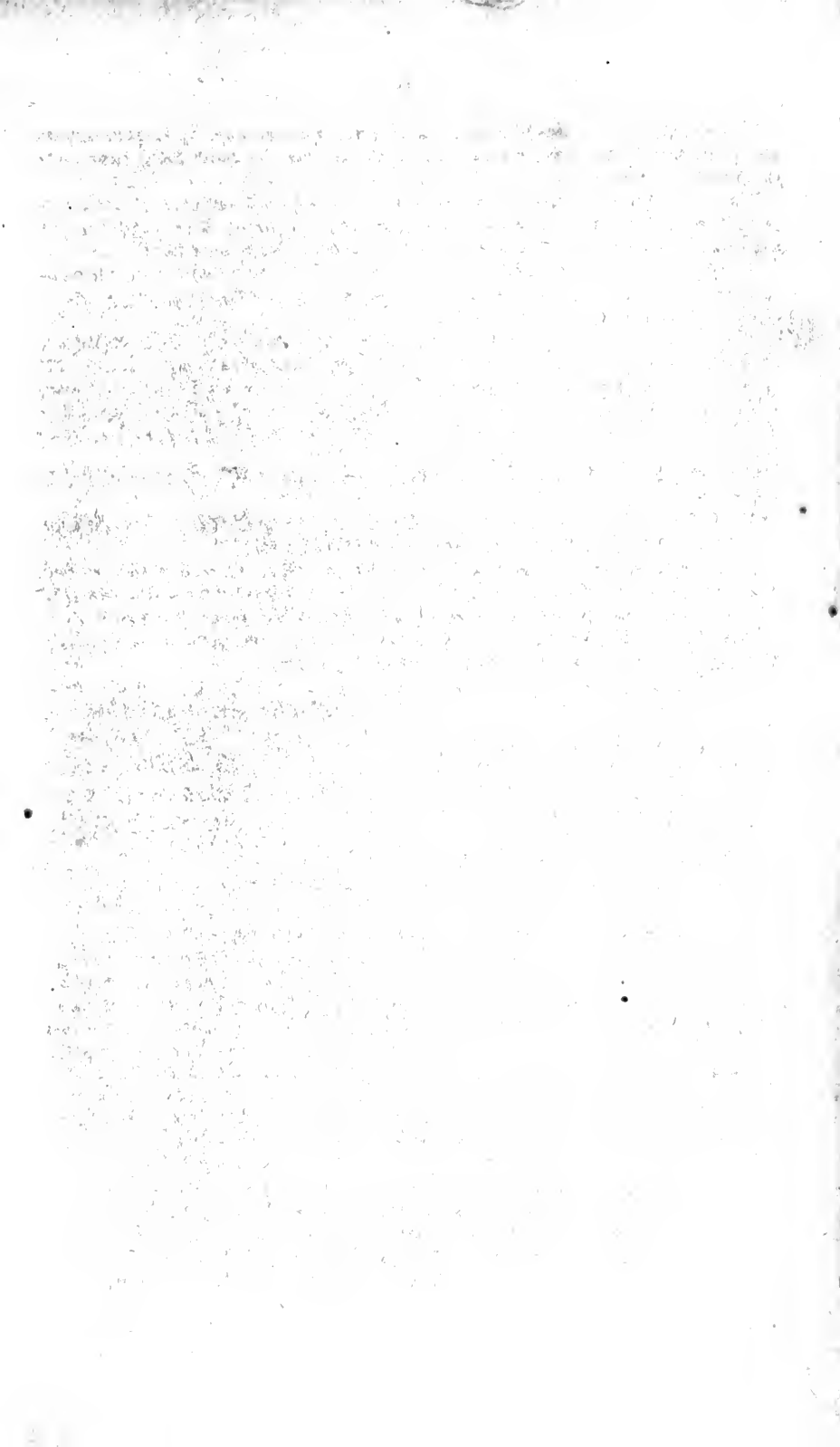
The defendant does not move to dissolve the injunction, and he no doubt desires its retention.

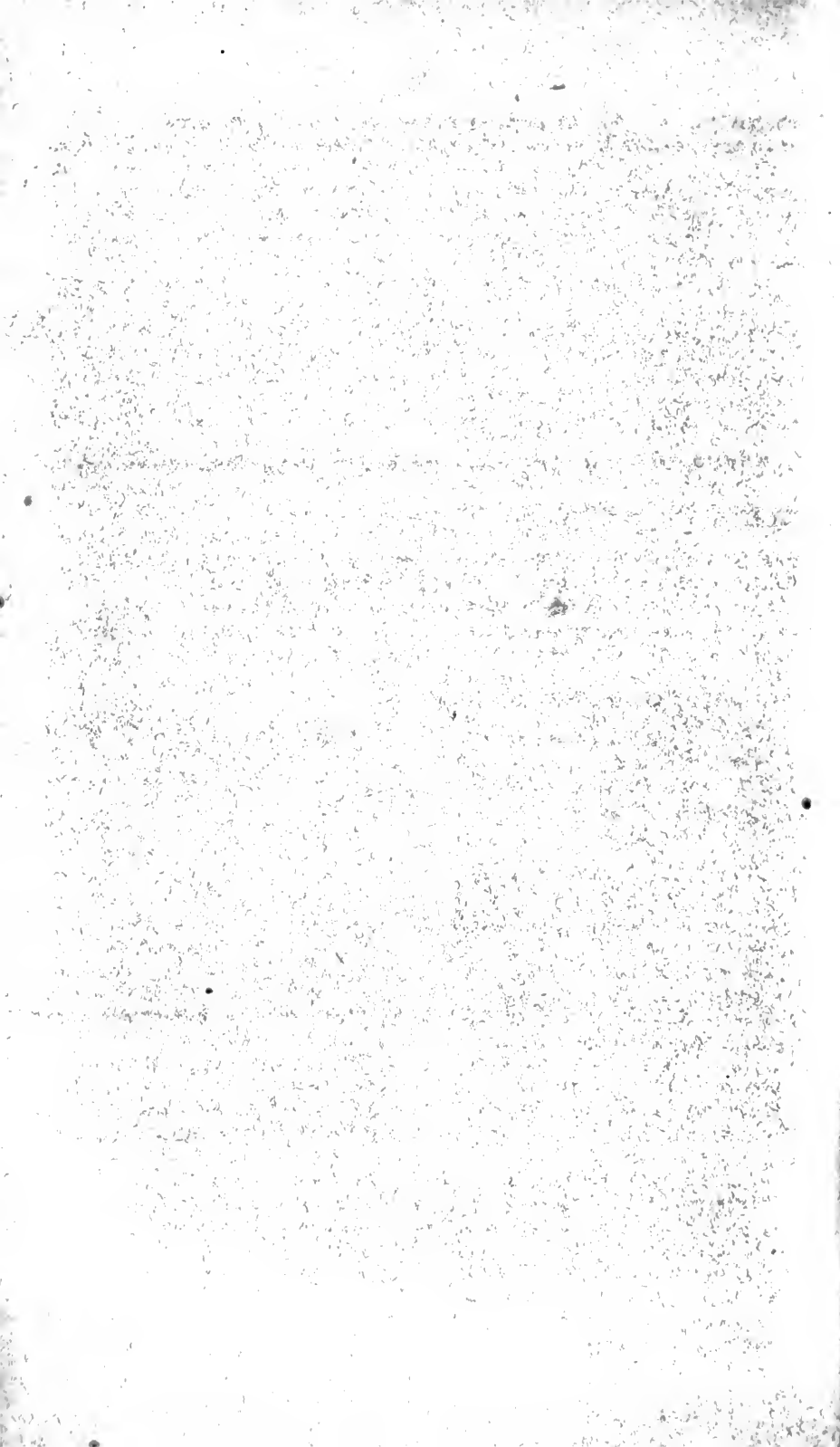
Your Committee recommend the passage of a joint resolution herewith submitted, instructing the Attorney General to dismiss said suit

If the money shall be paid in New York, it will in part liquidate a debt which sooner or later will be assumed and paid. If the money shall not be paid, we can pursue our remedy on the bond, and against Mr. Rowe personally.

Your Committee having thus discharged the duties assigned them, ask to be discharged from the further consideration of the matter.

G. WASHINGTON PATRICK,  
Chairman.  
G. McDONALD,  
J. H. McKUNE,  
G. N. SWEZY.





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IN ASSEMBLY.]

[SESSION OF 1857.

R E P O R T

OF THE

SPECIAL COMMITTEE

ON THE

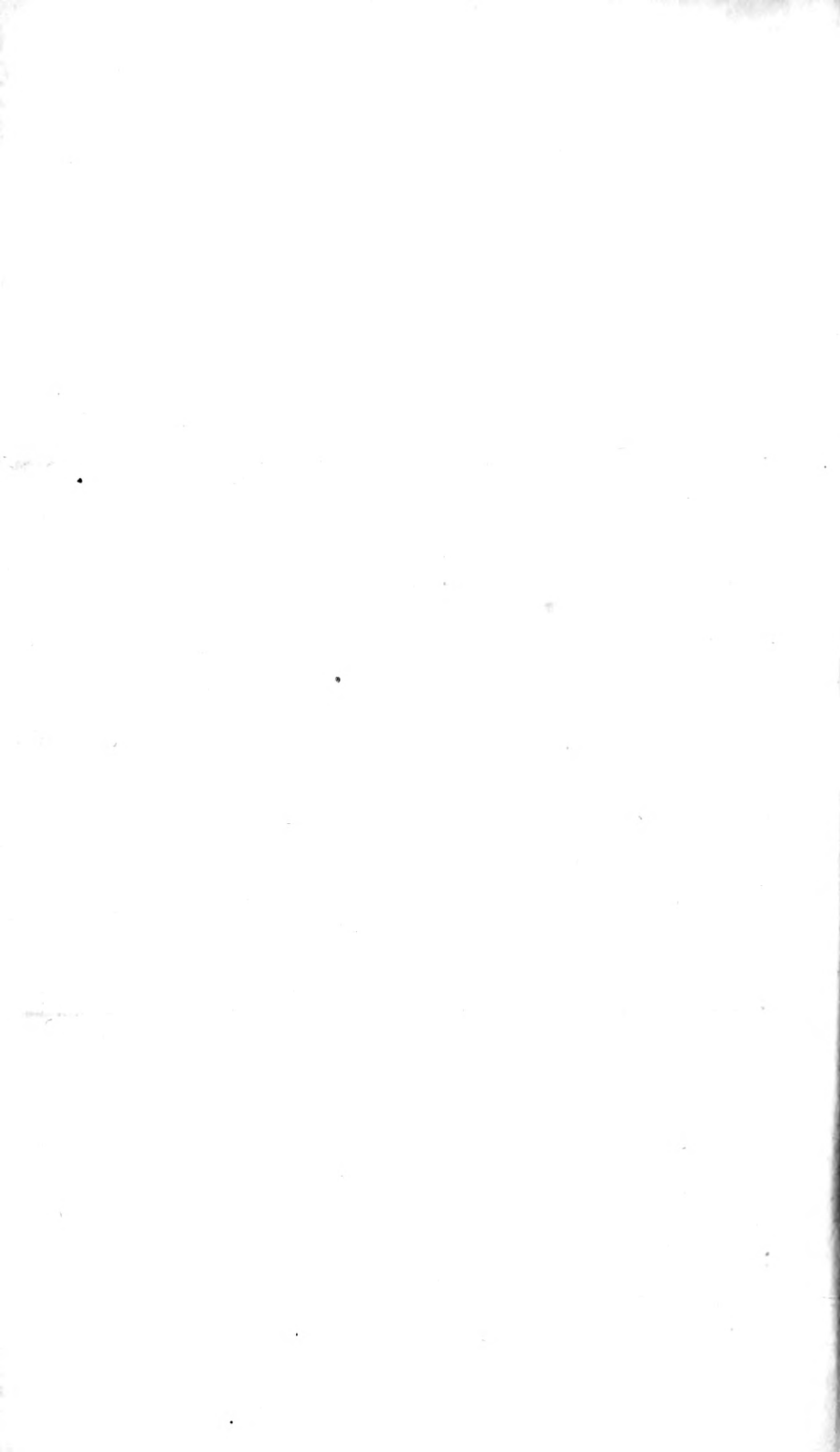
ACT FOR THE BETTER PROTECTION OF THE STATE TREASURY,

JANUARY, 1857.

JAMES ALLEN, STATE PRINTER.

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# REPORT.

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*Mr. Speaker:*

The Special Committee to which was referred the investigation of the manner and mode in which the provisions of an Act entitled "An Act for the better protection of the State Treasury," approved April 16th, 1856, have been carried out and obeyed, beg leave to submit the following report, for the consideration of the Assembly :

Immediately after their appointment the members of the Committee organized, and proceeded to investigate the subject matter referred to them, by taking the deposition of His Excellency Gov. Johnson, of the Secretary of State, D. R. Douglass; of the Attorney-General, Wm. T. Wallace ; of the Treasurer of State, Henry Bates; of the Controller of State, G. W. Whitman, and of Mr. Willis, a clerk in the office of the Controller, all of which depositions are annexed to this report. Upon the face of the Act for the better protection of the State Treasury, two leading objects are apparent, viz :

1st. The counting of the money in the vaults of the Treasury, for the purpose of ascertaining if the amount, which if right, should be there, was actually in the possession of the Treasurer.

2d. The restraining of the Controller from drawing his warrants upon the Treasurer for any cause whatsoever, except for salaries of officers, without the previous approval of the Board of Examiners. For the purpose of making the count of the money in the State Treasury, according to the spirit and letter of the law, it was necessary for the Board of Examiners to have an accurate knowledge of the amount of money, which if right, should be in the Treasury, and to what particular fund it belonged, and this information could only be obtained from the office of the Controller.

It is clearly established by the depositions that Mr. Whitman, the Controller, considered himself personally aggrieved by the passage of the Act in question, and that he regarded the action of the Board of Examiners, in endeavoring to carry out the will of the Legislature in establishing guards around the Treasury as a personal affront upon himself. The evidence further shows that actuated by these motives, the Controller deliberately and wilfully adopted a line of conduct that rendered inoperative the first object of the law as described above. The three officers who constituted the Board of Examiners filled high and responsible positions in the State Government, the official duties of which necessarily demanded the greater portion of their time. The Controller himself declares that between two and three weeks would have been needed for the Board personally to have made an accurate examination and statement of his books, since it is evident that it was impossible for the officers composing the Board to have given that time monthly to this examination, and at the same time discharge the duties imposed upon them by law.

The law requires the Board of Examiners to count the money in the various funds, and the only place where the Board could obtain information as to the amount of money in the various funds was in the Controller's Office.

Anticipating that the Board would necessarily seek this investigation, and fearing that he himself might be absent when application should be made, the Controller gave the extraordinary instructions to his clerks, that they should only permit the Board personally to examine such books and papers in his office as might be desired, but that they should refuse to answer any questions of, or afford any information to said Board; and in case they violated his instructions he further notified them, that he would dismiss them from his employment. Upon or about the 14th of May last the Board did apply to the Controller's Office for information, when it was withheld in obedience to Mr. Whitman's instructions.

When it is considered that the Legislature, in the exercise of its discretion, had endeavored more carefully to guard the Treasury, and that the Board of Examiners were faithfully carrying out that endeavor,—and when it is further considered that the clerks thus forbidden to furnish information legally demanded, were paid out of the Public Treasury for the purpose of serving the State, the grave and important nature of the instructions given to them by the Controller, can readily be perceived.

It is further shown by the evidence, that after the Board had been refused this information, that then His Excellency, Gov. Johnson, officially, in a written communication, demanded this information in virtue of his office as Governor, and that, though promised, the said information was never furnished.

Not only is it apparent that said information was necessary for the purpose of counting the money, but also it was essential, as a preliminary to enable the Board to examine the books of the Treasurer, because, absolutely no knowledge could be obtained by a bare reference to the Treasurer's books, unless the balances therein could be compared with the balances charged against him on the books of the Controller.

It has been stated before, that the second leading object of the law was to

prevent the Controller from drawing his warrants in any case whatever, except for salaries of officers, without the previous approval of the Board. The Committee is constrained to say that, in its opinion, this object of the law has been defeated by the Controller having drawn his warrants without the previous approval of the Board, upon account of the State Prison contract for about ninety thousand dollars, and upon account of the School Fund for large amounts. All of which is, in the opinion of this Committee, a violation of the Act.

In conclusion, your Committee unanimously report that G. W. Whitman, Controller of State, has willfully violated the spirit and letter of the Act, for the better protection of the State Treasury, approved April 16th, 1856, in refusing proper information to the "Board of Examiners," whereby the duties thereof could be discharged, and in drawing warrants on the State Treasury without the previous approval of said Board, and that in virtue of said actings and doings, the said G. W. Whitman, Controller, has been guilty of a misdemeanor in office according to the tenor and effect of Section 13th of an act entitled an Act concerning the office of Controller, passed January 19th, 1856.

All of which is respectfully submitted.

BRENT,  
WATKINS,  
BURCH,  
PATRICK,  
HUME.

Special Committee.

## DEPOSITIONS

*Taken before Special Committee on the Act for the Better Protection of the State Treasury.*

At a meeting of the Special Committee appointed under a resolution that passed the Assembly on the 21st of January, 1857, for the purpose of inquiring into the mode and manner in which the provisions of an Act, entitled "An Act for the Better Protection of the State Treasury," passed April 16th, 1856, have been carried out and obeyed—were present : Brent, Watkins, and Burch, of Committee.

HENRY BATES, being duly sworn to answer truly concerning all matter touching this investigation, deposed as follows :

I am Treasurer of State, and have been since 3d or 4th of January, 1856.

The first and only time Governor Johnson came to my office (at least while I was there) to count the money in the Treasury, was on the day he received the dispatch from the Mayor of San Francisco relative to the commencement of the Vigilance Committee. He came alone, Mr. Douglass being sick and could not come, and Mr. Wallace, Attorney General, being absent. The Governor was engaged in counting the money at the time he received the dispatch from the Mayor, and upon its receipt ceased to count the money. About a fortnight afterwards the Secretary of State, Mr. Douglass, and the Attorney General, Mr. Wallace, for the first and only time, came to my office for the purpose of counting the money, and they wanted to know how much money there was then by the books, and we were not able to tell them. The reason for telling them so was on account of not having the books posted, owing to the funding act. I gave them the money and desired them to count it. They counted a small bag of about \$1,500, and that is all they ever did. I do not know of their ever coming to my office for the purpose of examining the books, or counting the money, except as before stated.

They assigned to me no reason why they did not count more than \$1,500, except that they saw they were satisfied. I showed them the bags, which were all numbered with tags on them, which they counted. The Secretary of State took the amount of money down on paper, from the tags, and made it about \$80,000.

I do not know if the Controller has drawn on me any warrant, except for salaries which had not the previous approval of the Board, as there is nothing in my office to show the fact of such approval.

HENRY BATES.

The above deposition, after being read over to the witness was subscribed by him in my presence.

J. LANCASTER BRENT,

Chairman of Select Committee.

WILLIAM WILLIS, being duly sworn, deposes as follows :

I was clerk in the office of Controller from the 16th of April, 1856, and was present in the office until the 4th of May last, and have been present in the office from the 4th of November to the present time. In all this period I am not aware that the Board of Examiners ever examined the Controller's books.

Mr. Douglas is frequently in the habit of coming into the Controller's office and seeing about small matters, and sometimes working at the books, most generally as relating to his duties about auditing accounts—that is to say, to see if the appropriation was exhausted or the amount paid to some individual, &c.

The Controller has drawn no warrants except for salaries without the previous approval of the Board. He also draws the monthly ten thousand dollars due General Estell on State's Prison contract, and also contingent expenses of the Legislature, as he thinks it has the control over its own fund.

Under the State Capitol act he has only drawn warrants for the salaries of the Commissioners.

The Controller never has drawn a warrant upon the Treasurer for the payment of interest due on the State debt, and I understand the Treasurer makes these payments himself without the intervention of the Controller; but the Treasurer monthly reports to the Controller the State of the funds.

WM. WILLIS.

The foregoing deposition, after being read over to him, was signed by the witness in my presence.

J. LANCASTER BRENT,

Chairman of Select Committee.

DAVID F. DOUGLASS, being duly sworn, deposes and says :

I am Secretary of State, and have held the said office from January, 1856, to the present time.

After the passage of the Act establishing the Board of Examiners, we immediately went to work on accounts which were very heavy, then embracing the accounts of the Sergeant-at-Arms, State Printer, &c. We understood from many sources that the Controller, Mr. Whitman, was very much irritated at the passage of the Act, and I, for one, thought it prudent to wait until the last of the month before discharging the other duties imposed on us by law. In the meantime I had a conversation with the Controller, Col. Whitman, in regard to the law establishing the Board of Examiners, and said to him that I understood he was very much incensed at me individually, and we had some general conversation. He thought I ought not to enforce the law on account of my friendship with him. I told him that if he would show me how I could retain my office of Secretary of State, and avoid that duty, I would gladly do so.

I thought after this that Col. Whitman and myself would continue friendly, and that he would let the law take its course. Gov. Johnson, Attorney General Wallace, and myself, within the month of May, went to the Controller's office for the purpose of making an examination of his books. When we went, Col. Whitman was not there, but Mr. Hughson, Mr. Vaughan and Mr. Henry Whitman, his clerks, were present.

I told Mr. Hughson that, as a Board, we had come to examine the Controller's

books, and that with his (Mr. Hughson's) assistance, we thought the disagreeable part of the business might be avoided; that our principal desire was to examine and see the amounts in the various funds, and the amount expended under each appropriation, which information was absolutely necessary, as a Board, in passing on accounts, and that we wished to know the amount of money in the Treasury, so that, on counting, we might know if we found the correct amount there. I further remarked that our official duties absolutely forbade our reading through the details and items of the books.

Mr. Hughson replied that there were the books, and that we could examine them as the law directed, but that he was instructed by Mr. Whitman to answer no questions, or to give no information to the Board. During this conversation Mr. Vaughan and Mr. Henry Whitman put on their coats and left the office, and Mr. Hughson locked up the safe, put the key in a drawer, locked the drawer, and put the key in his pocket. The conversation then became general, and Gov. Johnson said that he then, as Governor of the State, demanded the information which had been refused to the Board of Examiners, and sat down and wrote a written demand for the information in the Controller's office, which he delivered to Mr. Hughson, who then said he would furnish the Governor with a written answer. We then left, and this was my only visit there with the Board. Col. Whitman never spoke to me afterwards about the matter, except on yesterday, when he said that the statements of Mr. Hughson about his instructions were correct, and that if he (Col. Whitman) had been there he would have treated us in the same manner.

I never went back, as I considered it impossible to discharge our duties without the information asked of Mr. Hughson, on account of our other official duties.

Gov. Johnson and myself fixed a day to count the money in the Treasury, upon the previous night of which I had an apoplectic attack, and hence could not carry out my intention.

In the next month, Mr. Wallace and myself went to the Treasury to count the money. The Treasurer brought us out the money in bags. We had no means of knowing how much money ought to be there. We felt the bags, and counted the money in one, which we picked out, and found the sum to correspond with the amount marked on the tag, and making the calculation after opening several of the bags, and seeing that they contained gold, we found the amount to be about \$82,000.

We filed away in my office a statement, under oath, of the amount of money in the Treasury, and we did not publish the statement, because we had no means of knowing what amount should be in the Treasury nor to what fund it belonged, and it seemed improper to put the State to the expense when no object could be secured.

Then the Vigilance Committee excitement commenced, and Governor Johnson's duties became very onerous, and Mr. Wallace was frequently absent. This was the last time I assisted in examining the money in the Treasury.

For the first two or three months the duties of the Board were very onerous in auditing accounts, and we have always continued discharging our duties in relation to them up to the present time.

Previous to the passage of this law, the relations of Col. Whitman and myself were friendly, but afterwards, owing to this law, an estrangement took place, he seeming to avoid having any conversation with me.

DAVID F. DOUGLASS.

The above deposition, after being read over to the witness, was by him subscribed in my presence, this 23d January, 1837.

J. LANCASTER BRENT,  
Chairman of Select Committee.

Committee met at 4 o'clock, January 24th, 1857.

Present—Messrs. Burch, Watkins, Hume.

The examination of witnesses resumed

G. W. WHITMAN, being duly sworn and informed that it is not the wish or desire of the Committee that he should state anything which would go to show himself liable to any of the penalties provided by an Act for the better protection of the State Treasury, approved April 16th, 1856, for any violation thereof, says as follows :

I have been acting in the capacity of Controller of State since the 1st of January, 1856. I have endeavored to observe the provisions of the Act, so far as the same applied to my office and my duties. The Board of Examiners have never been at my office whilst I was there. I understand that they were there at one time. Mr. Vaughan and Mr. Skink were there at the time they visited. Whether they examined the books or not, I cannot say. I understood Mr. Hughson to be there at the same time. I do not know of any demand for amounts in the different funds in the State Treasury, until the information was wanted for the Governor to make out his Annual Message. The time that the Board visited, was about the time James King of Wm. was killed.

My interpretation of this law was that the Board of Examiners were to make the examination of the books themselves, and acquire what information they desired.

My instructions to my clerks, were that they should turn over the Books to the Board of Examiners, and afford them every facility for making the examination themselves. The language I used to my clerks, was that when the Board came and I was absent, just to turn over the books, that they desired to see, to them. I told the clerks never to examine the books for the Board of Examiners, but to let the Board do this for themselves, that should they (the clerks) do this, I would turn them off.

At the time the Board visited my office, the Governor left a written request for some information; what the information desired was, I do not now recollect. I never responded to the request. The Governor, shortly after, told me that his duties were such that he could not attend to examining accounts, my books and the Treasurer's, and the Legislature would have to make a change in the law. To my knowledge, the Board of Examiners have not, as a Board, visited my office but this one time. I did not furnish the Board with the desired information, for the reason I believed it the duty of the Board to make the examination for themselves, so that they could, of their own knowledge, make it public as the law required. I can't see why they could not, from the books, satisfy themselves without the assistance of myself or clerks. It was impossible for the Board to have made a thorough and accurate examination and statement of my books under two or three weeks. I told the clerks to exhibit the vouchers, and every thing they desired to see. All accounts upon which warrants have been issued, have been passed upon by the Board of Examiners, except salaries, and the amounts drawn under the State Prison Contract. I should suppose from the statements made to me, and from the length of time the Board were in my office, that the Board could not have obtained any accurate information as to the amount of money in the Treasury.

Information as to the amount in the Treasury belonging to the different funds, could be obtained from office, through myself or clerks, in the course of two or three hours at any time.

G. W. WHITMAN.



I, Jno. C. Burch, member of the above Committee, do hereby certify that the above was carefully read over to Col. Whitman, and he being satisfied of the correctness thereof, signed the same in the presence of the above named members of the Committee.

JNO. C. BURCH.

Committee met January 26th, 1857, at 3 o'clock P. M.

Present—Messrs. Burch, Patrick and Watkins.

Gov. J. NEELY JOHNSON, examined after being duly sworn, deposeth and saith—

He is Governor of California; has acted in the capacity of Governor since January, 1856; has acted under the "Act for the better protection of the State Treasury," passed April 16th, 1856, as one of the Board of Examiners; since the approval of said Act to the present time. According to the best of my recollection, on the 14th May, 1856, Attorney General, Secretary of State, and myself, met by appointment at my office, and we then arranged the course we should pursue in relation to the Controller's and Treasurer's offices under this Act. We concluded, that for the purpose of knowing how the count of the money in the Treasury would conform to the amount charged against him in the Controller's Office, that we would proceed to the Controller's Office, and there ascertain the amount that there should be in the Treasury, preparatory to counting the money in the Treasury. Accordingly, we all together, on that day, proceeded to the office of the Controller, (Col. Whitman's office.) We found there three of his clerks, Messrs. Hughson, Vaughan, and Henry Whitman. We had previously determined that General Douglas should be the spokesman on behalf of the Committee, for the reason, that he (Douglass) had already informed us that Col. Whitman, whilst expressing dissatisfaction and unkind feelings towards the other members of the Board, particularly myself, for consenting to perform my duties under this Act, had admitted that he (Douglass) under the Constitution of the State, could not refuse to perform the duties entailed on him by the Act. Gen. Douglass asked for Col. Whitman. Mr. Vaughan replied he was not in the city. Douglass asked "Where is he?" Mr. Hughson stated that he had gone out on a hunting excursion. Gen. Douglas stated we had come in the discharge of our duties, as a Board of Examiners, to examine the books and papers in the Controller's office. Mr. Hughson's reply was—"There are the books, gentlemen; you can examine them." About this time, or may be before, the other two clerks left the office. We started toward the books, where they lay on a large desk, and each one of us took hold of some of the books, and looked at the accounts, and consulted together. We concluded that we could not, in looking over those books, without the assistance of some of the clerks in the office, obtain the information we needed. Whilst we were doing this Mr. Hughson went to the safe, and turned the key of the safe, locking it, placed this key in a drawer of one of the desks, locking that drawer also, and put the key of this desk in his pocket. After this I turned to Mr. Hughson, and said—Mr. Hughson, the principal object of our examination to-day—we wish to ascertain the amount of money that ought to be in the Treasury according to your

books, as we are going to the Treasurer's office to count the money, and you can furnish the information which we are satisfied will take us a great while to ascertain ourselves, without the assistance of some one familiar with the Controller's books.

We therefore wished he would assist in this examination, so that we might obtain the desired information. He said that personally he would be very happy to render us any assistance in his power, but he was then acting in obedience to the instructions of Col. Whitman, the Controller, and when the Col. left he directed him, if we called there, to say to us, there were the books, and we could make the examination for ourselves. I remarked: I can scarcely suppose if Col. Whitman was here he would refuse to permit you to render assistance in the examination of the books. Mr. Hughson replied: I don't know what Col. Whitman would do if he was here, but I am acting in conformity with the instructions he has given me. I remarked that I supposed we had authority to ask you for this information. He said, from what I can understand from him (the Col.) he does not consider that you have any right, as a Board, to ask this information, but you must examine the books for yourselves. I said, I don't suppose, sir, you'll deny my right, as Governor of the State, to demand this information, independent of the Board of Examiners. He replied, certainly not. Said I: Well, sir, I wish to know how much money, by your books, there should be in the Treasury of the State this day, specifying the amount in each separate fund; and, I think, I also asked him for statement of the amount drawn upon each appropriation. He replied, if you will make your request in writing I will be happy to furnish it to you. I sat down at a table in the room, and from the Executive department of the State of California, addressed to the Controller of State, or whosoever might be in the direction of the office, a written request, in substance similar to the verbal request previously made, and handed it to Mr. Hughson; he read it, and remarked it would take him some little time to furnish the information, but would do it as soon as he possibly could. That information I never received till about the commencement of the present year, when I received the annual report of the State Controller. Other than this annual report, I never received any reply to those interrogatories. Upon three different occasions, subsequently to the delivery of this letter asking for information, I personally called the attention of Mr. Hughson to the fact that he had not furnished me the information which I called for. His failure to do it, he ascribed to great press of business in the office; and, at least on one occasion, to the fact that the Treasurer had not sent in his monthly report. In those conversations with Mr. Hughson, I repeatedly urged the importance of securing that information, so we might make the count of the money in the Treasury understandingly, or know how much money there ought to be in the Treasury.

From the difficulties we encountered upon this visit, we came to the conclusion it was needless to call again to attempt to obtain any information which would be beneficial, without the expenditure of time, which I for one, can say would have been physically impossible, and to give attention to the duties of devolving upon me in my official capacity, and consequently we never, as a Board, called again upon the Controller. Information, other than that which I requested of Mr. Hughson upon my application, was promptly furnished from that Department, and which was calculated to materially assist us in our duties as a Board, in the examination of claims presented, but I always asked the information as Governor of the State.

The same day upon which this interview with Mr. Hughson occurred, the Attorney General, a member of the Board, was compelled to leave for his home at San Jose, and we arranged between us that the remaining members of the Board, the

Secretary of State and myself, should proceed to the Treasurer's office and count the money.

That night, Gen Douglass was seized with an apoplectic attack, and was dangerously ill for the next day or two, so that I postponed it till the second day after, being the 16th of May, when hoping he had sufficiently recovered to accompany me to the Treasurer's office, I took a carriage to his residence for the purpose of taking him up there. He announced to me that his physician had requested him to keep perfectly quiet, and his apparently feeble capacity utterly precluded the possibility of his leaving his room. I stated to him that I would go alone, as it was the last day of the month from the approval of the Act, and make the count of the money. He thought it would be advisable to do so. I did go to the Treasurer's office for that purpose, found the Treasurer, stated the purpose of my visit, and the reasons why I was not accompanied by the other members of the Board—the absence of one, and the illness of the other.

The Treasurer stated that he was perfectly willing to waive any informality because of the absence of a quorum of the Board, and I could proceed to do whatever I desired in my examination. I stated that I only proposed that day to count the money, and would defer the examination of his books till other members of the Board could come with me. He and his clerks brought out the money and spread it out on the table, and rendered me all needful assistance in counting. This necessarily occupied us some time. I ascertained that there was somewhere between 80,000 and 90,000 dollars in actual cash in the Treasury, but had not ascertained with a sufficient degree of certainty the exact amount, when I received a telegraphic dispatch from San Francisco, at the request of the Mayor of that city, (twenty-five minutes to two o'clock P. M.,) to go to San Francisco on account of the excitement there. A copy of the dispatch is in the appendix to my message. Believing it my duty to attend to the request, and that my presence might be beneficial, I at once determined to go, and had but just time to make my preparations before the departure of the boat at two o'clock.

This interrupted the count, so that I could not properly make an affidavit to the exact amount; hence the reason that I made no affidavit of that counting of the money.

Resumed January 27, 1857.

Present—Messrs. Brent, Burch, Watkins and Hume.

Governor Johnson's deposition continued :

Sometime in the succeeding month (in June) the Attorney General came up from San Jose at my request, that there might be a full meeting of the Board, and whilst he was here we determined to count the money in the Treasury. I stated to the Board, as two members of it would constitute a quorum for the performance of any duties under the act, I preferred that they (the Attorney General and Secretary of State) should go the Treasurer's office and count the money, as there was no kind feelings existing on the part of Dr. Bates towards myself, on account of remarks I had made to him because he had given to Palmer, Cook & Co. the transmission of the interest money to New York. They proceeded to count the money. After a few hours they returned and reported that they had done so, and that there was some eighty odd thousand dollars in the Treasury. After this, I remarked, we don't know how much there ought to be in the Treasury. I stated in reply to an enquiry (I believe) made by one of the other members of the Board, that up to that time I had received no reply to the communication addressed to the Controller previously referred to. We all concluded that the

counting the money amounted to nothing, for the reason we knew nothing in regard to the amount there should be in the Treasury. The remark was made by some member of the Board. I can't say who. It's a perfect farce counting the money in the Treasury without information as to the amount there ought to be there.

We concluded we would count the money again as soon as we were furnished with information from the Controller's office the amount there should be there. At that time we all expected to be furnished the information from the Controller's office, because we did not think the Controller would refuse to furnish it. At a later time, upon more than one occasion, I made inquiry at the Treasurer's office whether they had their books posted so that the Board of Examiners could ascertain how much money there ought to be in the Treasury. The answer invariably was, that they were not. One of those inquiries was of Dr. Bates, personally. He stated that they had been so busy with their duties under the Funding Act, in filling up the bonds for the funded debt, they had not time to post up the books. Dr. Bates, on several occasions made the inquiry of me why we did not come and count the money in the Treasury, and when are you coming to count the money. My reply was always in substance—before a great while. His reply was to this—we are always ready for you, and would be happy to see you any time you choose to do so.

We, the members of the Board, at our different meetings talked this matter over, and concluded that we would defer counting the money until we should ascertain how much there should be in the Treasury, as we believed the object of the law in requiring us to count the money in the Treasury was to ascertain whether the amount was there which ought to be. At no time did I entertain any doubt or suspicion that the money was not in the Treasury which ought to be, until after, and only then from the fact that the Treasurer had remitted by Wells, Fargo & Co. the money to pay the interest which Palmer, Cook & Co. had failed to pay, as I supposed necessarily that that money was taken from the Treasury to meet that payment of interest. I will here state some reasons why I supposed the money was in the Treasury. Upon two or three occasions I have advanced money which was properly payable out of the Military Fund, and had gone to the Treasurer's office to get the repayment of it. When the vaults were open to repay me I discovered that there was large sums of money. The amount I could only conjecture. On another occasion, when there was some alarm, possibly unnecessary, that an attempt would be made to seize the money by the Vigilance Committee in the latter part of June, I think, I deemed it necessary to inspect the condition of the vault and safe for the security of the money in the Treasury. At my request Dr. Bates opened the vault and safe, and showed me the situation, and we together inspected the under portion of the Capitol with a view to ascertain the means of defense to attacks that might be made of that character.

At this time I discovered in the safe a large sum of money, some stacked up on a shelf, and several bags, apparently containing coin. On no other occasions than those referred to was the money counted by the Board, and so far as I am concerned—for no other reason than that we had no means of knowing how much there ought to be in the Treasury—had I at any time suspected that the money was not there which ought to be, I should have counted the money. From the expression of the members of the Board, such, I believe, would have been their course also.

At the time I gave approval to the act, I did not, and now do not, regard it within the power of the Legislature to impose upon the Executive the performance of duties entailed by this Act, but regarding it as beneficial in its character, and as such, was perfectly willing to assume the discharge of the onerous

duties imposed ; and I have, at all times, cheerfully performed the duties which I regarded as necessary and proper in protecting the interests of the State. The labor has been onerous, laborious and exceedingly unpleasant. I am satisfied the action of the Board in auditing accounts has saved the State at least seventy-five thousand dollars from the passage of this Act to the present time. No claims have been presented by the lessee of the State Prison to us for allowance. Neither have we allowed any account for services under the State Prison Contract. The Act required us to hold semi-monthly sessions ; whereas, our sessions have been almost continuous. We have audited no claims against the School Fund, nor County Hospital Fund. For several weeks after my approval of this Act, Col. Whitman ceased to speak to me only when actually necessary in the discharge of his duties. I can attribute this coolness to no other cause than my approval of and consenting to act under this law. Previously our personal and social relations had been of a very intimate character. At a late time, when he became more kindly towards me, he stated he did feel unkind on account of my approval and consenting to Act under the law.

J. NEELY JOHNSON.

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WM. T. WALLACE, being duly sworn, states :

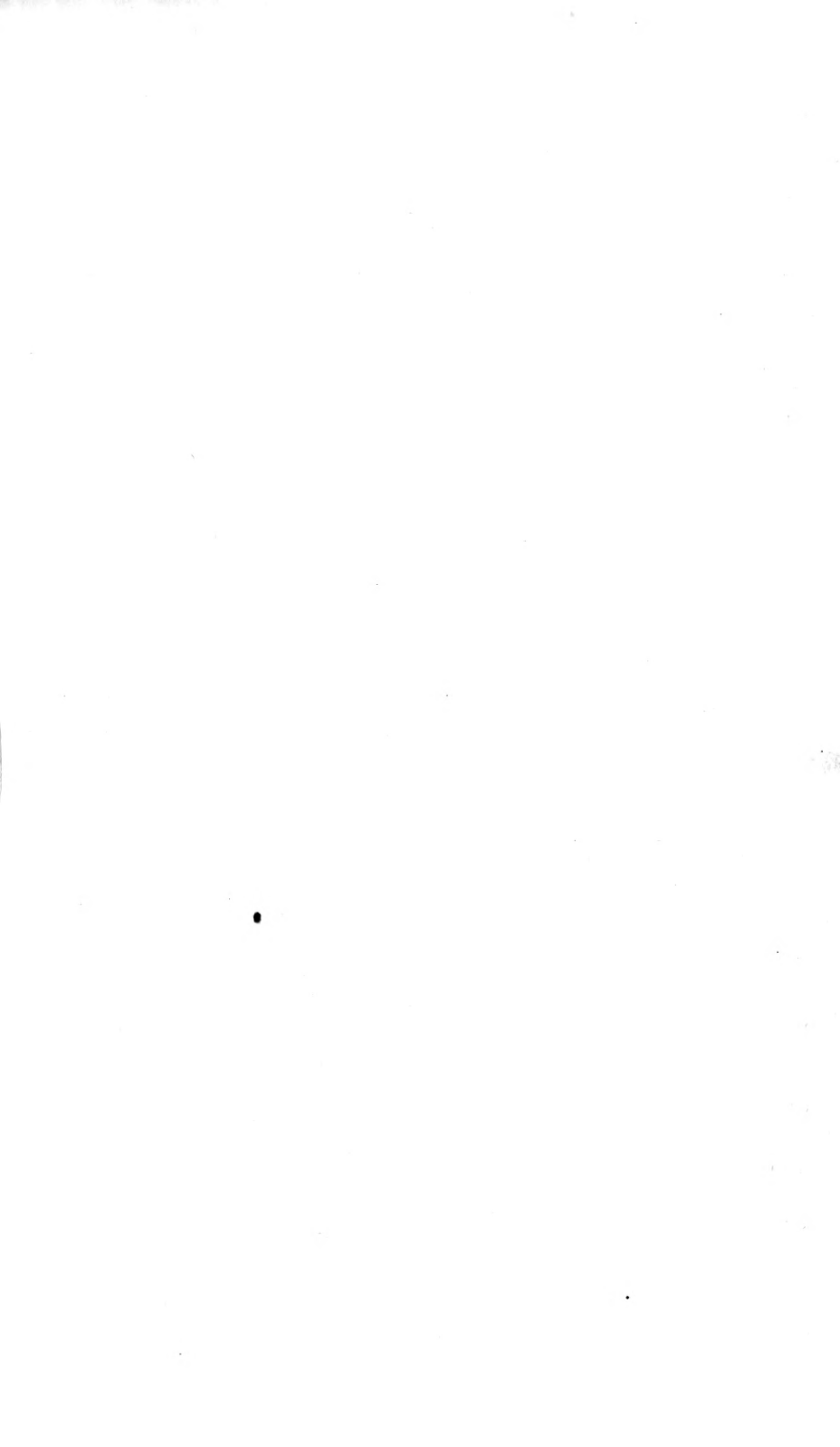
That he is Attorney General of the State, and a member of the Board of Examiners; that he has heard the deposition of Governor Johnson read, and knows the contents thereof; that said deposition contains the substance of all that he (said Attorney General) knows in relation to the transactions of the said Board of Examiners, and, so far as he knows, the statements therein contained are substantially correct. That after the approval of the "Act for the better protection of the State Treasury," Col. Whitman, the Controller, expressed to me his great dissatisfaction at its passage. He complained bitterly of the conduct of Gov. Johnson in approving the said Act; attributed the passage of the Act to the influence of Gov. Johnson, and said, as a reason for his dissatisfaction, that he regarded the passage of the Act as an insult to himself, and as necessarily involving an imputation upon his honesty as an officer of the State. He expressed, at the same time, the kindest feelings towards myself, inasmuch as I, in his opinion, had not attempted to promote the passage of the law.

The foregoing is the substance of what Col. Whitman said to me, but is not his language precisely. I have never, to my recollection, given the Controller an opinion as to the payment of the claim of the Lessee of the State Prison, nor as to the payment of the school fund. I am not in the habit of giving official opinions, except in writing, and I have no recollection of giving him such an opinion. I have no record of such an opinion in my office.

WILLIAM T. WALLACE

Subscribed and sworn to before me, member of the Committee, this 27th day of January, A. D. 1857.

JNO. C. BURCH,  
Member Committee.





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IN ASSEMBLY.]

[EIGHTH SESSION.]

# R E P O R T

OF THE COMMITTEE ON

## ACCOUNTS AND EXPENDITURES.

JANUARY, 1857.

[JAMES ALLEN, STATE PRINTER.]

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# REPORT

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The Committee on Public Expenditures and Accounts, whose duty it is made to examine into the condition of the Public Offices of this State, and report from time to time to the House, the result of their investigation, do respectfully submit at present the following report with respect to the State Treasury Office.

The Committee finding that there was much uneasiness of the public mind in relation to the management of the affairs of this department of the Government, set about an examination of the books and of the papers in that office, with the object of ascertaining the true condition of the State finances, and the mode of conducting the business thereof. From that examination they found that the footing of their books tallied with the reports that have heretofore been made by the Select Committee of the Senate and Assembly, as to the receipts and expenditures, and the amount of treasure on hand. That the amount of receipts into the State Treasury, from the 1st day of January, 1856, up to the 24th day of January, 1857, inclusive, was \$1,028,565 90, and the aggregate amount of expenditures up to the 13th of January, A. D. 1857, was \$1,614,092 77.

The Committee, from actual count on that day, found the amount of funds in the Treasury to be \$141,080 52.

The Committee find that of the foregoing amount of receipts paid into the State Treasury, the sum of \$179,765 71, purport to have been received in Controller's warrants, and Treasurer's certificates, issued for balances upon warrants presented for funding from the County Treasurers of this State, leaving the balance of \$—— to have been paid in cash.

The Committee find that the total amount of warrants redeemed from the 1st day of January, A. D. 1856, up to, and inclusive of the 24th day of January, A. D. 1857, to be \$1,438,807 66; that of that amount \$985,000 was funded, \$453,807 66 was paid in cash by the Treasurer, \$177,204 74 paid in for taxes collected by the County Treasurers, and \$11,847 14, cancelled by the Treasurer's certificates of balances upon funding. That of the amount of certificates so issued, the sum of \$7,109 07 were funded, and \$1,960 97 were paid into the Treasury for taxes collected by the County Treasurers, leaving a balance of \$2,777 10, of certificates outstanding, and to have been received for swamp lands. Hereto annexed will be found a monthly statement of the amount of warrants redeemed, otherwise than by funding and showing the funds they were drawn upon.

The Committee found in the Treasurer's office warrants to the amount of \$10,000 00, drawn in favor of the lessee of the State Prison, on the 3d day of January, 1857, and endorsed by the State Treasurer, as presented for payment, and not paid for the want of funds, on the 5th of January, A. D. 1857, and registered on that day. But upon examining the books of the Treasurer, they found that the said warrants were charged as paid by the Treasurer on the 3d of January, the day of their issuance. Discovering this discrepancy, the Committee called the attention of the department to the same, when it was explained as a misdate of the entry, and so corrected, leaving the endorsement not paid for the want of funds as made of the 5th of January, and the payment of the same warrants on that day. Upon this point your Committee will not further enlarge.

The Committee were informed by the Hon. David R. Ashley, the Senator from Monterey County, that he presented to, and left with the State Treasurer, during the last year, for the purpose of being funded, the following Controller's warrants, to wit :

|           |      |   |   |   |   |          |
|-----------|------|---|---|---|---|----------|
| No. 3,530 | for, | - | - | - | - | \$101 25 |
| " 3,846   | "    | - | - | - | - | 144 00   |
| " 3,189   | "    | - | - | - | - | 358 75   |
| " 3,277   | "    | - | - | - | - | 112 00   |
| " 2,401   | "    | - | - | - | - | 112 00   |
| " 2,143   | "    | - | - | - | - | 102 00   |
| " 1,858   | "    | - | - | - | - | 714 00   |
| " 1,272   | "    | - | - | - | - | 112 00   |
| " 1,120   | "    | - | - | - | - | 112 00   |
| " 981     | "    | - | - | - | - | 256 00   |
| " 863     | "    | - | - | - | - | 96 00    |
| " 2,736   | "    | - | - | - | - | 167 00   |
| " 2,947   | "    | - | - | - | - | 80 00    |
| " 3,529   | "    | - | - | - | - | 101 25   |

Amounting in the aggregate, to - - \$2,508 25

And your Committee find by examining the Controller's books, that said Ashley received bonds for the same, in the sum of twenty-five hundred dollars, issued the first day of September, A. D. 1856, being,

|               |      |   |   |   |   |          |
|---------------|------|---|---|---|---|----------|
| Bonds No. 108 | for, | - | - | - | - | \$500 00 |
| " 109         | "    | - | - | - | - | 500 00   |
| " 110         | "    | - | - | - | - | 500 00   |
| " 111         | "    | - | - | - | - | 500 00   |
| " 112         | "    | - | - | - | - | 500 00   |

Leaving a balance of \$8 25 unfunded of the amount presented by him. But the Committee find by an examination of the said Controller's books, and by an examination of the warrants on file in the office of the Secretary of State, that the bonds issued to said Ashley, were issued upon warrants,

|          |   |   |   |   |   |          |
|----------|---|---|---|---|---|----------|
| No. 267, | drawn September 4th, 1856, to J. M. Estell, E. A. Rowe,       |   |   |   |   |          |
|          | attorney, for   | - | - | - | - | \$300 00 |
| No. 105, | drawn January 31st, 1856, to J. T. Ewing, Wells, Fargo &      |   |   |   |   |          |
|          | Co., attorney, for salary as Secretary to Supreme Court, for, |   |   |   |   | 150 00   |
| No. 173, | drawn August 16th, 1856, to James Allen, W. S. Hughson,       |   |   |   |   |          |
|          | attorney, for   | - | - | - | - | 500 00   |

|   |   |   |   |        |
|---|---|---|---|--------|
| No. 195, drawn August 30th, 1856, to the Trustees of the Insane Asylum, E. G. Vaughn, attorney, for | - | - | - | 500 00 |
| No. 197, of the same date, and to the same parties, for   | - | - | - | 500 00 |
| No. 3731, drawn May 31st, 1856, to E. A. Rowe, for salary as Clerk Treasury, for                    | - | - | - | 270 00 |

And three of the warrants presented by Mr. Ashley, to wit :

|                |   |   |   |   |   |        |
|----------------|---|---|---|---|---|--------|
| No. 2,736, for | - | - | - | - | - | 107 00 |
| No. 2,947, “   | - | - | - | - | - | 80 00  |
| No. 3,529, “   | - | - | - | - | - | 101 25 |

Making in the aggregate, the sum of - - - \$2,508 25

It will be seen from the foregoing statement that the total amount of the Controller's warrants presented for funding, by Mr. Ashley, is the same, to a cent, as the total amount of the warrants actually funded by bonds issued to him.

The Committee having discovered this substitution of other warrants in lieu of those presented by Mr. Ashley to the State Treasurer, instituted an examination of the redeemed warrants in the State Treasurer's office, for the purpose, among other things, to ascertain whether the warrants so presented to Mr. Ashley and unfunded, were still in that office. Upon that examination, it was found that warrants, Nos. 3530, 3846, 3189, 3277, 2401, 2143, 1858, 1272, 1120, 931, and 863, amounting to the sum of \$2,220 00, being the same warrants presented by Mr. Ashley for funding, had been paid in by the County Treasurer of San Francisco County, on the first day of July, A. D. 1856, to the Treasurer of State, as having been received by him for taxes collected in San Francisco County, but how the same should have got out of the Treasurer's office, the Committee are unable to ascertain. Upon this state of facts your Committee would make no reflections, but leave every member of this House to draw such conclusions as his judgment may dictate.

The reason for your Committee doing so, is, that the facts are presented as fully in this report as they were made to appear to the Committee.

The Committee cannot drop this branch of the subject without urging upon the Legislature the importance of adopting some method to guard against public officers speculating with the public moneys in the purchase, exchange and use of Controller's Warrants.

The Committee have not found in their examination any facts that warrants the belief that any of the collecting, receiving or disbursing officers of the public revenue have so converted any of the funds that have come into their hands, but they find the public sentiment so far inclined to such a belief that it is producing dissatisfaction, distrust and a want of confidence among the people in the government. Such a condition of things is to be regretted ; for, when a people like ours, oppressed with taxation, saddled with an enormous, improvident and unconstitutional debt, and just verging upon repudiation, shall become distrustful of the government they have so largely contributed to support, by every means of taxation, from the want of proper checks and guards upon the officers of government, then may we expect to behold a diminution to our increasing population and a check to our growing prosperity. This want of confidence will unhinge and render unstable all classes of business, and destroy every hope we cherish of ere long witnessing a system of internal improvements carried on within this State by the capital of citizens of our own and other States. However wrong public opinion may be, the examination that the Committee have made does not disclose a state of facts wholly free from suspicion in some quarter. The fact that some of the remote counties should have paid the State Treasurer

as funds collected of their citizens for taxes, Controller's Warrants for large amounts issued to State officers residing at a great distance from them is calculated to arouse suspicion and distrust. Instances of this character appear in the counties of Amador, El Dorado and Sierra, but whether the warrants were so paid into the County Treasuries of those counties, your Committee have not the means of knowing.

In conclusion, the Committee would recommend the passage of a law requiring all taxes and licenses to be paid to the collecting offices and to the County and State Treasurers, exclusively, in the legal currency of the United States.

JOS. S. WATKINS, Chairman,  
G. WASHINGTON PATRICK,  
J. R. WARRINGTON,  
G. N. SWEEZY.



*Warrants Redeemed in June, 1856.*

|                    |   |   |   |   |   |                   |
|--------------------|---|---|---|---|---|-------------------|
| General Fund,      | - | - | - | - | - | \$3,202 02        |
| Total, June, 1856, | - | - | - | - | - | <u>\$3,202 02</u> |

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*Warrants Redeemed in July, 1856.*

|                    |   |   |   |   |   |                    |
|--------------------|---|---|---|---|---|--------------------|
| General Fund,      | - | - | - | - | - | \$25,321 59        |
| School Fund,       | - | - | - | - | - | 32,124 96          |
| Hospital Fund,     | - | - | - | - | - | 211 01             |
| Total, July, 1856, | - | - | - | - | - | <u>\$57,657 56</u> |

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*Warrants Redeemed in August, 1856.*

|                      |   |   |   |   |   |                    |
|----------------------|---|---|---|---|---|--------------------|
| General Fund,        | - | - | - | - | - | \$12,326 62        |
| School Fund,         | - | - | - | - | - | 5,163 00           |
| Hospital Fund,       | - | - | - | - | - | 54 36              |
| Total, August, 1856, | - | - | - | - | - | <u>\$17,543 98</u> |

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*Warrants Redeemed in September, 1856.*

|                         |   |   |   |   |   |                   |
|-------------------------|---|---|---|---|---|-------------------|
| School Fund,            | - | - | - | - | - | \$3,082 32        |
| Hospital Fund,          | - | - | - | - | - | 278 05            |
| Total, September, 1856, | - | - | - | - | - | <u>\$3,360 37</u> |

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*Warrants Redeemed in October, 1856.*

|                       |   |   |   |   |   |                   |
|-----------------------|---|---|---|---|---|-------------------|
| General Fund,         | - | - | - | - | - | \$3,486 41        |
| Library Fund,         | - | - | - | - | - | 5,223 27          |
| Total, October, 1856, | - | - | - | - | - | <u>\$8,709 68</u> |

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*Warrants Redeemed in November, 1856.*

|                        |   |   |   |   |   |                    |
|------------------------|---|---|---|---|---|--------------------|
| General Fund,          | - | - | - | - | - | \$52,912 89        |
| Total, November, 1856, | - | - | - | - | - | <u>\$52,912 89</u> |

*Warrants Redeemed in December, 1856.*

|                        |   |   |   |   |   |                    |
|------------------------|---|---|---|---|---|--------------------|
| General Fund,          | - | - | - | - | - | \$21,487 14        |
| School Fund,           | - | - | - | - | - | 2,208 09           |
| Total, December, 1856, | - | - | - | - | - | <u>\$23,695 23</u> |

*Warrants Redeemed to January, 1857.*

|                          |   |   |   |   |   |                    |
|--------------------------|---|---|---|---|---|--------------------|
| General Fund,            | - | - | - | - | - | \$25,001 88        |
| School Fund,             | - | - | - | - | - | 31,272 45          |
| Total, to January, 1857, | - | - | - | - | - | <u>\$56,274 33</u> |

## RECAPITULATION.

|   |                |       |                     |
|---|----------------|-------|---------------------|
| Total amount of warrants redeemed in cash | January,       | 1856, | \$118,338 94        |
| " " " " " "                               | February,      | "     | 58,992 91           |
| " " " " " "                               | March,         | "     | 11,409 10           |
| " " " " " "                               | April,         | "     | 38,002 11           |
| " " " " " "                               | May,           | "     | 3,708 54            |
| " " " " " "                               | June,          | "     | 3,202 02            |
| " " " " " "                               | July,          | "     | 57,657 56           |
| " " " " " "                               | August,        | "     | 17,543 98           |
| " " " " " "                               | September,     | "     | 3,360 37            |
| " " " " " "                               | October,       | "     | 8,709 68            |
| " " " " " "                               | November,      | "     | 52,912 89           |
| " " " " " "                               | December,      | "     | 23,695 23           |
| " " " " " "                               | January, 1857, |       | <u>56,274 33</u>    |
| Total,                                    | -              | -     | <u>\$453,807 66</u> |



